INITIAL STUDY

SR-15-10, ZA-15-07, DA-15-06, EA-15-03: **Monterey - EAH Belle Salici**

December 2015

Prepared by:

RANEY PLANNING & MANAGEMENT, INC.
1501 Sports Drive, Suite A, Sacramento, CA 95834

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SECTION 1. PROJECT INFORMATION

1.1 Project Title: Belle Salici

1.2. Lead Agency Contact

Jim Rowe
Community Development Department
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

1.3 Project Location:

The proposed project is located at 16170 and 16180 Monterey Road, in the City of Morgan Hill, CA. Morgan Hill is located in Santa Clara County, just southeast of San Jose. State Route (SR) 101 runs in a north/south orientation east of Morgan Hill, providing major regional access to the City. (see Figure 1, Regional Project Location).The proposed project site is located on Assessor's Parcel Number's (APN) 817-03-003 and 817-03-004 located on 16170 and 16180 Monterey Road, respectively (see Figure 2, Project Vicinity Map).

1.4. Owner/Applicant

EAH Housing Inc.
2169 East San Francisco Boulevard
San Rafael, CA 94901
Contact: Felix AuYeung

1.5. Existing General Plan Designation: Multifamily Low Density for APN 817-03-003 and Non Retail Commercial for APN 817-03-004.

1.6. Existing Zoning Designation: Residential (R-2) for APN 817-03-003 and Light Commercial / Residential (CL-R) for APN 817-03-004.

SECTION 2. PROJECT DESCRIPTION

2.1 Site Description and Setting

The project site encompasses approximately 0.996 acres, located on the east side of Monterey Road and west side of Keith Way. The western portion of the site contains a vacant structure, which would be demolished as part of the proposed project, and associated surface parking. The vacant structure was built in 1948 and previously used as a drive-thru restaurant. The site also includes several oak trees, which have been incorporated in project site plans, and vegetation primarily on the eastern portion of the project site. Currently, sidewalks do not exist along the project's Monterey Road and Keith Way frontages.

Figure 1
Regional Project Location

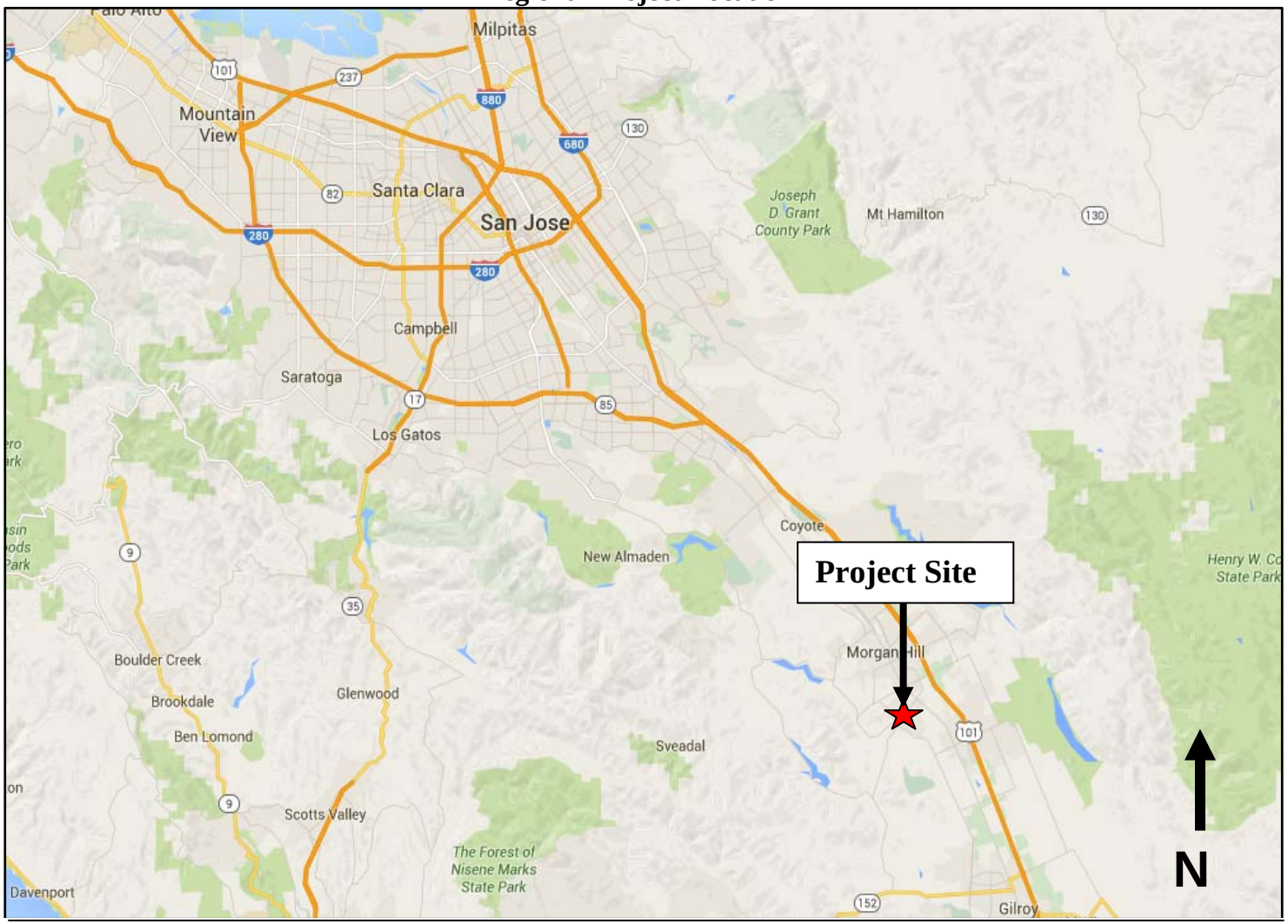


Figure 2
Project Vicinity Map

2.2 Project Components

The applicant proposes to construct 19 affordable, below market rate, multi-family apartments, as well as a 2,100-square-foot (sf) private community space, and an approximately 1,000-sf office / commercial space (see Figure 3, Site Development Plan and Figure 4). The majority of the apartment units would be located within two, two-story residential buildings along the east side of the project site, adjacent to Keith Way, while six one-bedroom units would be located above the proposed commercial space adjacent to Monterey Road. Six one-bedroom units will be specifically set aside for Transitional Aged Youth, to provide additional assistance to youth aging out of local foster care programs.

The two residential buildings along the eastern portion of the project site, would be separated by a family courtyard area. A carport area would separate the residential buildings from the community center area, the latter of which would abut Monterey Road.

The community space at the western portion of the site would include a clubhouse, manager office, computer center for residents, culinary center, laundry facility, bike storage, and community courtyard. The staffing for the project will include an on-site property manager (½ time), maintenance staff (full time), janitorial staff (½ time), and a resource coordinator (¼ time), for a total of four staff members.

Landscaping would be strategically planted amongst the parking and gathering spaces within the project. The site would also be surrounded by a six-foot high tube steel enclosure fence with decorative vines. Solar collectors would also be incorporated as part of the proposed project, generating renewable energy for the site and future residents. In addition to the aforementioned amenities, management would also provide transportation information to future tenants such as transit maps and passes, Caltrain information, and other transit programs and services.

Stormwater filtration for the site would include features such as drop inlets, permeable paving and underground raintank units. Grading requirements for the site includes an anticipated 187 cubic yards (CY) of soil to be cut and 765 CY of fill for the site. Approximately 578 CY of fill would need to be imported to the site.

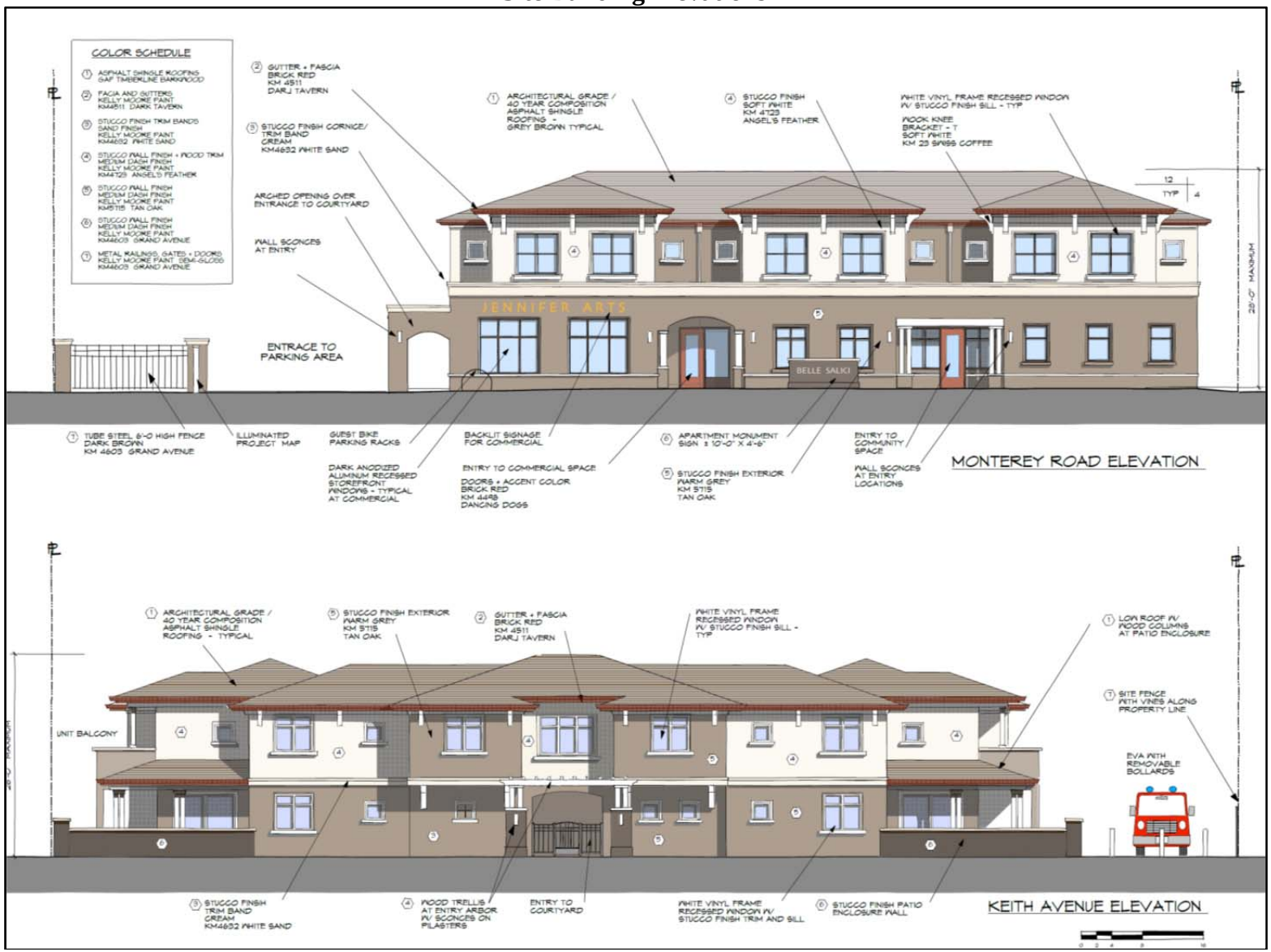
The proposed project would meet the majority of current CL-R and R-2 zoning requirements; however, the project would involve a parking deviation from the CL-R and R-2 development standards. The project would provide 35 parking spaces, rather than the required 46 spaces. In order to deviate from the CL-R and R-2 development standards, the applicant is requesting a Planned Development Overlay for the project site.

The project requires the approval of the following entitlements:

- Zoning Ordinance Amendment for Planned Development Overlay;
- Development Agreement; and
- Site Plan Review.

Figure 3
Site Development Plan

Figure 4
Site Building Elevations



2.3 Surrounding Land Uses

The project site is in an urbanized area and surrounded by existing development. North of the site is the Holiday motel and an Enterprise rental car location. The western perimeter of the site is bordered by Monterey Road and adjacent to several commercial businesses across the road including a salon, a flooring store and realty company. The site is bordered to the south by single-family residences and Santa Teresa Dental. Along the site's eastern boundary are single-family residences across Keith Way.

SECTION 3. SOURCES

The following documents are referenced information sources utilized by this analysis:

1. Association of Bay Area Governments. *Dam Failure Inundation Hazard Map for Morgan Hill*. 1995. <http://www.abag.ca.gov/cgi-bin/pickdamx.pl>. Accessed August 14, 2013.
2. Association of Bay Area Governments. *Earthquake and Hazards Information*. http://gis.abag.ca.gov/website/liquefactionsusceptibility/; Accessed November 2015.
3. Bay Area Air Quality Management District. Air Quality Plans. Available at: http://www.baaqmd.gov/Divisions/Planning-and-Research/Plans.aspx. Accessed August 12, 2013.
4. Bay Area Air Quality Management District. Air Quality Standards and Attainment Status. Available at: http://hank.baaqmd.gov/pln/air_quality/ambient_air_quality.htm. Accessed August 12, 2013.
5. Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines*. May 2011.
6. California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective*. April 2005.
7. California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program. *Santa Clara County Important Farmland 2012*. August 2014.
8. California Department of Fish and Wildlife. *California Natural Diversity Database, Rarefind 5 online application*. Accessed November 2015.
9. CalRecycle. *Facility Operations: Johnson Canyon Sanitary Landfill*. http://www.calrecycle.ca.gov/FacIT/Facility/Operations.aspx?FacilityID=18565. Accessed November 2015.
10. Carollo Engineers. *Sewer System Master Plan*. January 2002.
11. Circa. *Historic Context Statement for the City of Morgan Hill.* October 2006.
12. City of Morgan Hill. *Architectural Review Handbook.* February 2008.
13. City of Morgan Hill. *Morgan Hill General Plan.* Amended through September 2015.
14. City of Morgan Hill. *Municipal Code.* Available at: https://www.municode.com/library/ca/morgan_hill/codes/code_of_ordinances?nodeId=TIT15BUCO. Accessed on November 5, 2015.
15. City of Morgan Hill. *City of Morgan Hill Wildland Urban Interface Map*. March 2009.

16. City of Morgan Hill. *2nd Quarter Reports for 2015 – Progress of Projects.* June 30, 2015. Available at: http://www.morgan-hill.ca.gov/DocumentCenter/View/1444. Accessed on November 11, 2015.
17. City of Morgan Hill. *Planning Commission Staff Report December 9, 2014.* Available at: http://ca-morganhill2.civicplus.com/DocumentCenter/View/15667. Accessed on November 11, 2015.
18. City of Morgan Hill. *Revised Regional Storm Water Management Plan*. February 22, 2010.
19. Edward L. Pack Associates, Inc. *Noise Assessment Study for the Planned Belle Salici Multi-Family Development, Monterey Road, Morgan Hill.* November 9, 2015.
20. Federal Emergency Management Agency. *Santa Clara County, California, Flood Insurance Rate Map Panel 06085C0607H*. May 18, 2009.
21. Institute of Transportation Engineers. *Trip Generation, 9th Edition*. 2012.
22. Pacific Geotechnical Engineering. *Geotechnical Investigation – Morgan Hill Affordable Housing 16170 and 16180 Monterey Road, Morgan Hill, California.* June 9, 2014.
23. Piers Environmental Services, Inc. *Phase I Environmental Site Assessment Report For: 16170 & 16180 Monterey Road, Morgan Hill, California.* April 23, 2014.
24. Salinas Valley Solid Waste Authority. *Annual Report 2014-15*. 2015. Available at: http://svswa.org/wp-content/uploads/2014-2015-Annual-Report-Final4.pdf. Accessed November 2015.
25. Santa Clara County. *Final Santa Clara Valley Habitat Plan*. August 2012.
26. Santa Clara Valley Habitat Agency. *Geobrowser* [Property Report for subject property]. Available at: http://www.hcpmaps.com/habitat/. Accessed November 2015.
27. Santa Clara County. Office of the Assessor's website. Available at: https://www.sccassessor.org/index.php/online-services/property-search/real-property. Accessed on November 3, 2015.
28. Santa Clara County. *Regional Parks and Scenic Highways Map.* June 2008.
29. Walter B. Windus, Aviation Consultant. *Comprehensive Land Use Plan, South County Airport*. 2008.

SECTION 4. EVALUATION OF ENVIRONMENTAL IMPACTS

This Initial Study (IS) identifies and analyzes the potential environmental impacts of the Belle Salici Project (proposed project). The information and analysis presented in this document is organized in accordance with the order of the California Environmental Quality Act (CEQA) checklist in Appendix G of the CEQA Guidelines. If the analysis provided in this document identifies potentially significant environmental effects of the project, mitigation measures that should be applied to the project are prescribed.

The City of Morgan Hill adopted their current General Plan in 2001, which has undergone updates and amendments through September 2015. The current General Plan Final Master Environmental Impact Report (EIR), a program EIR prepared pursuant to Section 15168 of the CEQA Guidelines (Title 14, California Code of Regulations, Sections 15000 *et seq*.), was prepared in July 2001. It should be noted that the City is in the process of updating their General Plan; however, the updated General Plan is not yet adopted and an EIR has not been certified.

Therefore, the current General Plan and EIR have been utilized for this analysis to the extent practicable.

The mitigation measures prescribed for environmental effects identified in this IS/MND will be implemented in conjunction with the project, as required by CEQA. The mitigation measures will be incorporated into the project through project conditions of approval. The City will adopt findings and a Mitigation Monitoring and Reporting Program for the project in conjunction with approval of the project.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is "Less Than Significant with Mitigation Incorporated" as indicated by the checklist on the following pages.

☐ **Aesthetics**	☐ **Agriculture Resources**	☐ **Air Quality**
✖ **Biological Resources**	☐ **Cultural Resources**	☐ **Geology & Soils**
☐ **Greenhouse Gas Emissions**	✖ **Hazards**	☐ **Hydrology & Water Quality**
☐ **Land Use**	☐ **Mineral Resources**	✖ **Noise**
☐ **Population, Employment, & Housing**	☐ **Public Services**	☐ **Recreation**
☐ **Transportation & Circulation**	☐ **Utilities & Service Systems**	☐ **Mandatory Findings of Significance**

DETERMINATION

On the basis of this initial study:

☐ I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

✖ I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the applicant. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Jim Rowe
Signature

12-17-15
Date

Jim Rowe, Staff Planner
Printed Name

City of Morgan Hill
For

ENVIRONMENTAL CHECKLIST

The following Checklist contains the environmental checklist form presented in Appendix G of the CEQA Guidelines. The checklist form is used to describe the impacts of the proposed project. A discussion follows each environmental issue identified in the checklist. Included in each discussion are project-specific mitigation measures recommended, as appropriate, as part of the proposed project.

For this checklist, the following designations are used:

Potentially Significant Impact: An impact that could be significant, and for which no mitigation has been identified. If any potentially significant impacts are identified, an EIR must be prepared.

Less Than Significant with Mitigation Incorporated: An impact that requires mitigation to reduce the impact to a less-than-significant level.

Less-Than-Significant Impact: Any impact that would not be considered significant under CEQA relative to existing standards.

No Impact: The project would not have any impact.

I. AESTHETICS. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	✖
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	☐	☐	☐	✖
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	✖	☐
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	✖	☐

a. According to the *Morgan Hill General Plan*, the hillsides that surround the City to the east and west are considered scenic. The project site is not located on a hillside or in the vicinity of a hillside. The project site is located in an urbanized area and is surrounded by existing development. The project site is partially developed with a vacant structure and associated parking on the western portion, while the eastern portion contains open space with vegetation and oak trees. Substantial views of the distant hills to the east and west of the City are not offered from the project site or surrounding area. Due to the developed nature of the site and immediate surroundings, as well as the distance to the scenic hillsides, implementation of the proposed project would not have any substantial adverse effect on a scenic vista. Therefore, ***no impact*** to a scenic vista would occur.

b. Scenic gateways to the City include Pacheco Pass, Hecker Pass, US Highway 101 (US 101) south of Gilroy, and the Coyote greenbelt area north of Morgan Hill. According to the California Department of Transportation (Caltrans) map of Santa Clara County prepared for the Scenic Highway Mapping System, officially designated State or County scenic highways do not occur in the project vicinity. Because the proposed project is not located in the vicinity of any scenic gateways identified by the City or any officially designated State scenic highway, the proposed project would not damage any scenic resources within a State scenic highway. Therefore, ***no impact*** related to damaging scenic resources within a State scenic highway would occur.

c. The 0.996-acre project site has been partially disturbed with a vacant structure and paved parking on the western portion of the site while the eastern portion of the site contains open space consisting of vegetation and oak trees. The project site is surrounded by existing commercial and residential development. The proposed project would be consistent with the existing surrounding development as the site would include a development of 19 affordable multi-family units. The project would also include a 2,100-sf community space and a 1,000-sf office / commercial space, bike storage, and associated parking lot.

The proposed project would slightly change the existing visual character of the site by converting the site's partial open space to a multi-family unit development. However, the other half of the project site has been previously developed and the project would be consistent with the permitted uses for the R-2 and CL-R zoning designations for the site. Furthermore, the project would be incorporating the existing oak trees in project site plans. As such, the proposed project would not be considered a substantial change from the existing visual character of the site. Because the project would be consistent with the surrounding visual character and quality, development, a ***less-than significant*** impact would occur related to degradation of the existing visual character of the site and its surroundings.

d. As previously mentioned the project site is partially developed with an existing vacant structure and associated parking. The other portion of the project site contains open space with vegetation and oak trees. The site itself is in an urbanized portion of the City and surrounded by existing residential and commercial development. The proposed project would increase the amount of light and glare at the site from current levels due to the lighting associated with residential units, parking areas, and vehicles traveling to and from the site. However, the project is consistent with the General Plan land use and zoning designations and would also be consistent with the surrounding commercial and residential development. Furthermore, the proposed project would be required to comply with the City's Municipal Code, Section 15.40.420 related to lighting intensities for multi-family dwellings. Compliance with such would ensure the light and glare produced by the proposed project would be consistent with surrounding land uses. Implementation of the project would, therefore, result in a ***less-than-significant*** impact with respect to creating a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

II. AGRICULTURE AND FOREST RESOURCES. *Would the project:*		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	✖
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	✖
c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	✖
d.	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	✖
e.	Involve other changes in the existing environment which, due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use?	☐	☐	☐	✖

a,d,e. The proposed project would include the development of 19 affordable multi-family units and a 1,000-sf office / commercial space on a site that is currently surrounded by existing residential and commercial development. The site currently contains a vacant structure and associated parking lot on the western portion and open space with vegetation and oak trees on the eastern portion. According to the Santa Clara Farming County Important Farmland 2012 map, the site is considered Urban and Built-Up Land. Therefore, ***no impact*** would occur with respect to converting Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

b. The site is zoned for residential and commercial uses, with which the proposed project would be consistent. Therefore, the project would not conflict with existing zoning for agricultural use or a Williamson Act contract. Accordingly, ***no impact*** would occur.

c. The project site is not considered forest land (as defined in Public Resources Code section 12220[g]), timberland (as defined by Public Resources Code section 4526), and is not zoned Timberland Production (as defined by Government Code section 51104[g]). Therefore, the proposed project would have ***no impact*** with regard to conversion of forest land or any potential conflict with forest land, timberland, or Timberland Production zoning.

III. AIR QUALITY. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	✖	☐
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	✖	☐
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	✖	☐
d. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	✖	☐
e. Create objectionable odors affecting a substantial number of people?	☐	☐	✖	☐

a-c. The City of Morgan Hill is within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD), which regulates air quality in the San Francisco Bay Area, and located in the San Francisco Bay Area Air Basin (SFBAAB). The SFBAAB area is currently designated as a nonattainment area for the State and federal ozone, State and federal particulate matter 2.5 microns in diameter ($PM_{2.5}$), and State particulate matter 10 microns in diameter (PM_{10}) standards. The SFBAAB is designated attainment or unclassified for all other ambient air quality standards (AAQS). It should be noted that on January 9, 2013, the U.S. Environmental Protection Agency (USEPA) issued a final rule to determine that the Bay Area has attained the 24-hour $PM_{2.5}$ federal AAQS. Nonetheless, the Bay Area must continue to be designated as nonattainment for the federal $PM_{2.5}$ AAQS until such time as the BAAQMD submits a redesignation request and a maintenance plan to the USEPA, and the USEPA approves the proposed redesignation.

In compliance with regulations, the BAAQMD periodically prepares and updates air quality plans that provide emission reduction strategies to achieve attainment of the AAQS, including control strategies to reduce air pollutant emissions via regulations, incentive programs, public education, and partnerships with other agencies. The current air quality plans are prepared in cooperation with the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG). The most recent federal ozone plan is the 2001 Ozone Attainment Plan, which was adopted on October 24, 2001 and approved by the California Air Resources Board (CARB) on November 1, 2001. The plan was submitted to the USEPA on November 30, 2001 for review and approval. The most recent State ozone plan is the 2010 Clean Air Plan (CAP), adopted on September 15, 2010. The 2010 CAP was developed as a multi-pollutant plan that provides an integrated control strategy to reduce ozone, PM, toxic air contaminants (TACs), and greenhouse gases (GHGs). Although a plan for achieving the State PM_{10} standard is not required, the BAAQMD has prioritized measures to reduce PM in

developing the control strategy for the 2010 CAP. The control strategy serves as the backbone of the BAAQMD's current PM control program.

The aforementioned air quality plans contain mobile source controls, stationary source controls, and transportation control measures (TCMs) to be implemented in the region to attain the State and federal standards within the SFBAAB. The plans are based on population and employment projections provided by local governments, usually developed as part of the General Plan update process.

In order to evaluate ozone and other criteria air pollutant emissions and support attainment goals for those pollutants designated as nonattainment in the area, the BAAQMD has established significance thresholds associated with development projects for emissions of the ozone precursors reactive organic gases (ROG) and oxides of nitrogen (NO_x), as well as for PM_{10}, and $PM_{2.5}$. The BAAQMD's significance thresholds, expressed in pounds per day (lbs/day) for project-level and tons per year (tons/yr) for cumulative, listed in Table 1, are recommended for use in the evaluation of air quality impacts associated with proposed development projects.[1]

Table 1
BAAQMD Thresholds of Significance

Pollutant	Construction (lbs/day)	Operational (lbs/day)	Cumulative (tons/year)
ROG	54	54	10
NO_x	54	54	10
PM_{10}	82	82	15
$PM_{2.5}$	54	54	10

Source: BAAQMD, CEQA Guidelines, May 2010.

In addition, the BAAQMD identifies screening criteria for development projects, which provide a conservative indication of whether a development could result in potentially

[1] It should be noted that the BAAQMD resolutions adopting and revising the 2011 significance thresholds were set aside by the Alameda County Superior Court on March 5, 2012. The Alameda Superior Court did not determine whether the thresholds were valid on the merits, but found that the adoption of the thresholds was a project under CEQA, necessitating environmental review. The BAAQMD appealed the Alameda County Superior Court's decision. The Court of Appeal of the State of California, First Appellate District, reversed the trial court's decision. The Court of Appeal's decision was appealed to the California Supreme Court, which granted limited review, and the matter is currently pending there. The California Supreme Court has indicated that it will address the question whether CEQA review is confined to an analysis of a proposed project's impacts on the existing environment, or does it also require analysis of the existing environment's impacts on the proposed project. The California Supreme Court has not indicated that it will review the underlying question whether adoption of the thresholds is a project under CEQA, and no court has indicated that the thresholds lack evidentiary support. In May of 2012, BAAQMD updated its CEQA Air Quality Guidelines to continue to provide direction on recommended analysis methodologies, but without recommended quantitative significance thresholds. The May 2012 BAAQMD CEQA Air Quality Guidelines state that Lead agencies may reference the Air District's 1999 Thresholds of Significance available on the Air District's website. Lead agencies may also reference the Air District's CEQA Thresholds Options and Justification Report developed by staff in 2009. The CEQA Thresholds Options and Justification Report, available on the District's website, outlines substantial evidence supporting a variety of thresholds of significance. The air quality and GHG analysis in this IS/MND uses the previously-adopted 2011 thresholds of the BAAQMD to determine the potential impacts of the project, as the thresholds are supported by substantial evidence.

significant air quality impacts. If all of the screening criteria are met by a project, a detailed air quality assessment of that project's air pollutant emissions would not be required. The operational screening criteria for a low-rise apartment development (i.e., apartments in rental buildings that have one to two levels) is if the development is less than or equal to 451 dwelling units. Accordingly, if a low-rise apartment development is less than or equal to the screening size for operational criteria pollutants, the development would not be expected to result in potentially significant air quality impacts associated with operations, and a detailed operational air quality assessment would not be required. The proposed project would involve the construction of 19 units, which is well below the BAAQMD screening criteria for a low-rise apartment development. The proposed project would also involve 1,000 square feet of commercial uses. Screening criteria for a general commercial development is not available. Because the proposed commercial space is intended to be leased, the specific use is not known at this time. Using the most conservative BAAQMD operational screening level available for a commercial use, which would be five (5) thousand square feet (ksf) (for a 24-hour convenience market), the project would still be far below the operational screening level. Because the proposed project would be well below the applicable BAAQMD screening criteria for operational criteria air pollutant emissions, the project would not result in a significant air quality impact during operations and a detailed operational air quality assessment is not required.

For construction-related impacts, BAAQMD provides screening criteria that provide a conservative indication of whether a development could result in the generation of construction-related criteria air pollutants that exceed the thresholds of significance shown in **Error! Reference source not found.**. The BAAQMD construction screening criteria include whether a development would be below the applicable screening level size, would implement the BAAQMD Basic Construction Mitigation Measures, and would not involve any atypical construction activities such as demolition, overlapping of more than one construction phase, simultaneous construction of more than one land use type on the same site, extensive site preparation, and extensive material transport. The proposed project must meet all of the aforementioned screening criteria in order to be considered to not result in a significant air quality impact during construction; otherwise, a detailed construction air quality assessment would be required.

The construction-related screening level size for a low-rise apartment development is if the development is less than or equal to 240 dwelling units. The project's proposed 19 units would be well below the screening level size. Using the most conservative BAAQMD screening level available for a commercial use, which would be 277 ksf (for a 24-hour convenience market), the project's proposed 1.0 ksf would still be far below the construction screening level.

All projects under the jurisdiction of the BAAQMD are required to implement all of the BAAQMD's Basic Construction Mitigation Measures, which include the following:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer‘s specifications. All equipment shall be checked by a certified visible emissions evaluator.
8. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District‘s phone number shall also be visible to ensure compliance with applicable regulations.

Although the proposed project would be below the screening level size and would implement the BAAQMD’s Basic Construction Mitigation Measures, the proposed project would involve atypical construction activities, including demolition and simultaneous construction of more than one land use type on the same site. Therefore, the proposed project would not meet all of the screening criteria and a detailed construction air quality assessment is required.

The proposed project’s construction emissions were quantified using the California Emissions Estimator Model (CalEEMod) software version 2013.2.2 - a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify air quality emissions, including GHG emissions, from land use projects. The model applies inherent default values for various land uses, including construction data, trip generation rates based on the Institute of Transportation Engineers (ITE) Manual, vehicle mix, trip length, average speed, etc. However, where project-specific information is available, such information should be applied in the model. The modeling assumed that construction would commence in January 2016 and would be completed by 2017. The default construction phases and durations within CalEEMod were used. The project’s anticipated need to import of 578 CY of fill soil was applied to the modeling.

According to the CalEEMod results, the proposed project would result in construction criteria air pollutant emissions as shown in Table 2. Accordingly to the table, the proposed project’s construction emissions would be well below the applicable thresholds of significance. Therefore, the proposed project would not result in a significant air quality impact during construction.

Table 2 Unmitigated Construction Emissions (lbs/day)			
Pollutant	**Project Construction Emissions**	**Thresholds of Significance**	**Exceeds Threshold?**
ROG	6.56	54	NO
NO_x	32.03	54	NO
PM_{10}	7.06	82	NO
$PM_{2.5}$	4.20	54	NO
Source: CalEEMod, November 2015.			

As stated previously, the applicable regional air quality plans include the 2001 Ozone Attainment Plan and the 2010 CAP. According to BAAQMD, if a project would not result in significant and unavoidable air quality impacts, after the application of all feasible mitigation, the project may be considered consistent with the air quality plans. Because operational and construction emissions of the proposed project are expected to be below the applicable thresholds of significance based on the BAAQMD screening criteria, the project would not be considered to conflict with or obstruct implementation of regional air quality plans.

Because the proposed project would not conflict with or obstruct implementation of the applicable air quality plans, violate any air quality standards or contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase in any criteria air pollutant, impacts would be considered ***less than significant***.

d,e. The major pollutant concentrations of concern are localized CO emissions and TAC emissions, which are addressed in further detail below.

Localized CO Emissions

Localized concentrations of CO are related to the levels of traffic and congestion along streets and at intersections. High levels of localized CO concentrations are only expected where background levels are high, and traffic volumes and congestion levels are high. Emissions of carbon monoxide (CO) are of potential concern, as the pollutant is a toxic gas that results from the incomplete combustion of carbon-containing fuels such as gasoline or wood. CO emissions are particularly related to traffic levels.

In order to provide a conservative indication of whether a project would result in localized CO emissions that would exceed the applicable threshold of significance, the BAAQMD has established screening criteria for localized CO emissions. According to BAAQMD, a proposed project would result in a less-than-significant impact related to localized CO emission concentrations if the following screening criteria are met:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans;

- The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; and
- The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, underpass, etc.).

The proposed project includes the development of 19 multi-family residential units and a 1,000-sf commercial space, which is consistent with the existing land use and zoning designations for the site; thus, the project would be consistent with any established congestion management program, because such programs are based on land use designations.

According to the Institute of Transportation Engineers (ITE) Manual, 9th Edition, trip rates for a low-rise apartment of 6.59 weekday trips per dwelling unit (du), 0.3 AM peak hour trips per du, and 0.39 PM peak hour trips per du, the residential portion of the proposed project would be anticipated to result in a total of 125 weekday trips, nine AM peak hour trips, and 11 PM peak hour trips. The commercial portion of the proposed project (using the ITE trip rate for a General Office Building, which are 11.03 weekday trips per ksf, 1.56 AM peak hour trips per ksf, and 1.49 PM peak hour trips per ksf) would be anticipated to result in a total of 11 weekday trips, two AM peak hour trips, and one PM peak hour trips. Overall, the proposed project would result in approximately 136 average daily trips, 11 AM peak hour trips, and 12 PM peak hour trips.

The proposed project's increase in trips would not result in an increase in traffic volumes at nearby intersections in excess of the screening thresholds presented above. Furthermore, as discussed in further detail in Section XVI, Transportation/Circulation, of this IS/MND, the estimated amount of trips would not be expected to result in any new significant impacts or an increase in the severity of any existing impacts to nearby roadways or intersections. As such, a substantial increase in levels of CO at surrounding intersections would not occur. Therefore, the proposed project would not be expected to result in substantial levels of localized CO at surrounding intersections or generate localized concentrations of CO that would exceed standards.

TAC Emissions

Another category of environmental concern is TACs. Typically, the sources of TACs of concern are any sources located within 1,000 feet of a sensitive receptor or proposed project site. The CARB has identified diesel particulate matter (DPM) from diesel-fueled engines as a TAC; thus, high volume freeways, stationary diesel engines, such as construction equipment, and facilities attracting heavy and constant diesel vehicle traffic are identified as having the highest associated health risks from DPM. The proposed project is located nearly 5,000 feet from US 101, is not in the vicinity of any other high volume freeway or other facilities attracting heavy or constant diesel vehicle traffic, and is not near any existing stationary sources of TACs. As such, new on-site sensitive receptors would not be exposed to substantial TAC emissions associated with such uses. In addition, the proposed project, being primarily a residential development, would not

involve long-term operation of any stationary diesel engine or other major on-site stationary source of TACs. Thus, the proposed project would not expose any existing sensitive receptors to substantial TAC emissions.

It should be noted that construction-related activities could result in the generation of TACs, specifically DPM, from on-road haul trucks and off-road equipment exhaust emissions. However, construction is temporary and occurs over a relatively short duration in comparison to the operational lifetime of the proposed project. Methodologies for conducting health risk assessments are associated with long-term exposure periods (e.g., over a 70-year lifetime). Only portions of the site would be disturbed at a time during construction, with operation of construction equipment regulated by federal, State, and local standards, including BAAQMD rules and regulations, and occurring intermittently throughout the course of a day. Considering the short amount of time and intermittent nature of construction equipment operating on the site, the likelihood that any one sensitive receptor would be exposed to high concentrations of DPM for any extended period of time would be low. For the aforementioned reasons, project construction would not be expected to expose sensitive receptors to substantial pollutant concentrations.

It should be noted that the project site is located approximately 2,100 feet west of the Caltrain rail lines; however, CARB does not consider train tracks to be a significant source of TAC emissions and is only concerned with rail yards due to the substantial amount of trains and idling. The project site is not located near an existing rail yard, thus, the project would not be affected by DPM emissions associated with a rail yard.

Conclusion

The proposed project would not be expected to result in localized CO concentrations that would exceed standards and would not expose sensitive receptors to such. In addition, future sensitive receptors on-site would not be exposed to substantial levels of pollutant concentrations associated with existing or future sources. Furthermore, construction or operation of the proposed project would not be expected to expose existing or future sensitive receptors to substantial emissions associated with stationary diesel engines or other major on-site stationary source of TACs. Therefore, the proposed project would result in a ***less-than-significant*** impact associated with exposure of sensitive receptors to substantial levels of pollutant concentrations.

IV. BIOLOGICAL RESOURCES. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	✖	☐	☐
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	✖	☐	☐
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	✖	☐	☐
d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	☐	☐	✖	☐
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	✖	☐	☐
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	✖	☐

a. The western portion of the project site is developed with a vacant structure and surface parking lot. The eastern portion of the site contains an undeveloped field with ruderal vegetation. A few mature oak trees are located along the southern boundary of the project site. The open areas of the project site provide marginal habitat for special-status species covered under the Santa Clara Valley Habitat Plan. The undeveloped portion of the project site is within Fee Zone C (Small Vacant Sites Under 10 Acres).[2]

Of the species covered under the Santa Clara Valley Habitat Plan, only western burrowing owl has the potential to utilize the project site. The lack of natural habitats, including aquatic resources, on the site, as well as in its immediate vicinity, precludes the potential for other covered species to utilize the project site.

[2] Santa Clara Valley Habitat Agency. *Santa Clara Valley Habitat Agency Geobrowser.* http://www.hcpmaps.com/habitat/; accessed November 23, 2015.

In June 2003, the City of Morgan Hill adopted the Citywide Burrowing Owl Habitat Mitigation Plan. The purpose of the plan was to create a comprehensive program to mitigate impacts to Burrowing Owls a "Species of Special Concern" and their habitat, instead of addressing such impacts on a project-by-project basis. As a result of this plan, the City has established a 30.5-acre preserve for burrowing owl off of Edmundson Avenue.

Lands subject to the Citywide Burrowing Owl Habitat Mitigation Plan are those lands that are below 600 feet in elevation above sea level and support any grassland and/or mixed herbaceous vegetation upon which an activity is proposed that is defined as a "project" by CEQA. As such, the eastern portion of the project site is subject to the City's Habitat Mitigation Plan for burrowing owl.

In addition, the few mature oak trees on-site provide potential nesting habitat for migratory birds protected under the Federal Migratory Bird Treaty Act. While these trees have been incorporated into the design of the proposed project, construction activities could disturb nesting birds if they occupy these trees prior to the onset of construction.

Should the project 1) not comply with the mitigation requirements of the City's burrowing owl mitigation plan, 2) disturb non-breeding habitats for species covered under the Santa Clara Valley Habitat Plan without paying impact fees, or 3) impact nesting migratory birds during construction, a ***potentially significant*** impact would result with respect to the project having a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

<u>Mitigation Measure(s)</u>
Implementation of Mitigation Measures IV-1 through IV-3, consistent with the City of Morgan Hill's 2003 Burrowing Owl Habitat Mitigation Plan, would reduce potential impacts to western burrowing owl to a *less-than-significant* level. In addition, implementation of Mitigation Measure IV-4 would reduce the project's impacts to nonbreeding habitats by requiring compliance with the Santa Clara Valley Habitat Plan. Implementation of Mitigation Measure IV-5 would ensure that nesting migratory birds are not impacted during construction activities.

IV-1. *A pre-construction survey shall be conducted by a qualified Burrowing Owl biologist no more than 30 days prior to initiation of any ground disturbing (construction) activity to assure take avoidance of burrowing owls. The survey shall consist of a habitat assessment, burrow survey, owl survey, and completion of a written report. The written report shall be submitted to the Community Development Department. If owls are observed during the preconstruction survey, no impacts to the owls or their habitat will be allowed during the nesting season (February 1 to August 31).*

IV-2. *Should burrowing owls be found on the site during the breeding season (February 1 through August 31), exclusion zones, with a 250-foot radius from occupied burrows, shall be established. All development-related activities shall occur outside of the exclusion area until the young have fledged.*

IV-3. *If pre-construction surveys are conducted during the non-breeding season (September 1 through January 31) and burrowing owls are observed on the site, the owls may be relocated upon approval by the California Department of Fish and Wildlife, in accordance with the Burrowing Owl Mitigation Plan.*

IV-4. *No later than submittal of the first construction or grading permit for the site, the owner or designee shall pay the Santa Clara Valley Habitat Plan per-acre fee in effect for the appropriate fee zone, as determined by the Santa Clara Valley Habitat Agency, in compliance with Section 18.69.150 of the Morgan Hill Municipal Code.*

IV-5 *If construction is proposed during breeding season (February 1 to August 31), a pre-construction nesting survey for raptors and other protected migratory birds shall be conducted by a qualified biologist no more than 14 days prior to the start of construction. Pre-construction surveys during the non-breeding season (September 1 to January 31) are not necessary for birds, including roosting raptors, as they are expected to abandon their roosts during construction. If these species are deemed absent from the area, construction may occur within 14 days following the survey during the early nesting season (February to May) and within 30 days following the survey during the late nesting season (June to August).*

If nesting raptors are detected on or adjacent to the site during the survey, a suitable construction-free buffer shall be established around all active nests. The precise dimension of the buffer (250-foot minimum for certain raptors) shall be determined at that time and may vary depending on location, topography, type of construction activity, and species. The buffer areas shall be enclosed with temporary fencing, and construction equipment and workers shall not enter the enclosed setback areas. Buffers shall remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents.

b,c. The proposed project site is partially developed with a vacant structure and associated parking lot on the eastern portion of the site and open space with vegetation and oak trees on the western portion of the site. Additionally, the site is surrounded by other existing development. Although the site contains vegetation and some oak trees, water features do not exist on the project site or in the vicinity of the site. Although the project site contains open space with vegetation and some trees, the site would not be considered a riparian

habitat, a wetland, or a sensitive natural community. Furthermore, the site is surrounded by existing development. According to the CNDDB results, two sensitive natural communities have been identified within the nine-quadrangle record search area. The two sensitive natural communities are associated with valley and foothill grassland and riparian woodland habitats. Due to the partially disturbed nature of the site and immediately surrounding area, the project site does not include valley and foothill grassland or riparian woodland habitats. In addition, the listed occurrences of the two sensitive natural communities identified in the CNDDB results do not occur on or in the vicinity of the proposed project site. Therefore, the proposed project would not have any substantial adverse effects on any riparian habitat or other sensitive natural community, or on federally protected wetlands, and impacts would be ***less than significant***.

d. The 0.996-acre project site is surrounded by existing commercial and residential development. The western portion of the site is developed with a vacant structure and associated parking. The eastern portion of the site is open space with vegetation and oak trees. Water features do not exist on the project site or in the vicinity of the site. As such, resident or migratory wildlife corridors or wildlife nursery sites are not located on the project site or in the surrounding area. Therefore, the proposed project would not interfere with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites, and a ***less-than-significant*** impact would occur.

e. The project site is partially developed with a vacant structure and associated parking lot on the western portion of the site. The eastern portion of the site consists of an open field with ruderal vegetation and a few oak trees. Oak trees are considered indigenous to the City of Morgan Hill, as defined in Section 12.32 of the City's Municipal Code. The trees are considered significant trees and have already been incorporated into the design of the project. However, construction activities could potentially impact the existing trees on-site; as such, the project could have a ***potentially significant*** impact.

Mitigation Measure(s)
Implementation of the following mitigation measure would reduce the above impact to a *less-than-significant* level.

IV-6. *A tree protection plan shall be completed by a certified arborist to the satisfaction of the City arborist. The plan shall demonstrate how tree protection shall be provided during and after construction for the on-site oak trees. The key elements of a tree protection plan include: establishing Tree Protection Zones (TPZs) for each tree to be preserved, and providing supplemental irrigation during the demolition and construction phases of the project. The tree preservation plan shall include, but not be limited to, the following:*

- *Locate structures, grade changes, etc. as far as feasible from the 'dripline' area of the tree.*
- *Avoid root damage through grading, trenching, compaction, etc. Where root damage cannot be avoided, roots encountered (over*

one inch diameter) should be exposed beyond the area to be disturbed (towards tree stem), by appropriate methods, and immediately back-filled with soil. Avoid tearing, or otherwise disturbing that portion of the root(s) to remain.

- *Construct a temporary fence as far from the tree stem (trunk) as possible, completely surrounding the tree, and six to eight feet in height. Post no parking or storage signs outside/on fencing. Do not attach posting to the mainstem of the tree.*
- *Do not allow vehicles, equipment, pedestrian traffic; building materials or debris storage; or disposal of toxic or other materials inside of the fenced off area.*
- *Avoid pruning immediately before, during, or immediately after construction impact. Perform only that pruning which is unavoidable due to conflicts with proposed development. Aesthetic pruning should not be performed for at least one to two years following completion of construction. Trees that will be impacted by construction may benefit from fertilization, ideally performed in the fall, and preferably prior to any construction activities.*
- *Mulch 'rooting' area with an acidic, organic compost or mulch.*
- *Arrange for periodic (biannual/quarterly) inspection of tree's condition, and treatment of damaging conditions (insects, diseases, nutrient deficiencies, etc.) as they occur, or as appropriate.*
- *Individual trees likely to suffer significant impacts may require specific, more extensive efforts and/or a more detailed specification than those contained within these general guidelines will be established in the tree preservation plan.*

f. The project site is located within the Santa Clara Valley Habitat Plan area. The Habitat Plan was developed by the County of Santa Clara, the cities of Gilroy and Morgan Hill, the Santa Clara Valley Water District, and the Santa Clara Valley Transportation Authority (collectively the "local partners") under the guidance of the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife. The Habitat Plan provides take authorization for 18 listed and non-listed species (i.e. covered species). The Habitat Plan also includes conservation measures to protect all 18 species, as well as a conservation strategy designed to mitigate impacts on covered species and contribute to the recovery of these species in the study area.

The project site is designated as Urban-Suburban in the Habitat Plan. The Habitat Plan assumes a certain amount of urban development within the City of Morgan Hill and remaining Plan area, which have both permanent, direct impacts and indirect impacts. Although the proposed development activity on the project would permanently alter the land, the disturbed site only has the limited potential to support western burrowing owl within its eastern portion. Project impacts associated with disturbance of the eastern portion of the project site will be mitigated through the payment of the associated land cover impact fee, per Mitigation Measures IV-4 above.

The Santa Clara Valley Habitat Plan also considers covered activities to result in a certain amount of indirect impacts from urban development, including the effects of nitrogen deposition. Urban development results in increased air pollutant emissions from passenger and commercial vehicles and other industrial and nonindustrial sources. Emissions from these sources are known to increase airborne nitrogen, of which a certain amount is converted into forms that can fall to earth as depositional nitrogen. It has been shown that increased nitrogen in serpentine soils can favor the growth of nonnative annual grasses over native serpentine species and these nonnative species, if left unmanaged, can overtake the native serpentine species, which are host plants for larval Bay checkerspot butterfly.

As such, all projects within the Habitat Plan area are subject to paying a "Nitrogen Deposition Impact Fee," which would be calculated based on the number of daily vehicle trips attributed to the activity and collected prior to the commencement of the use. In summary, the project applicant would comply with the Santa Clara Valley Habitat Plan; therefore, the proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan, resulting in a ***less-than-significant*** impact.

V. CULTURAL RESOURCES. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☐	☐	✖	☐
b. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?	☐	☐	✖	☐
c. Directly or indirectly destroy a unique paleontological resource on site or unique geologic features?	☐	☐	✖	☐
d. Disturb any human remains, including those interred outside of formal cemeteries.	☐	☐	✖	☐
e. Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074?	☐	☐	✖	☐

a. The project site currently contains a vacant structure and parking lot on the western portion of the site and an open field with vegetation and a few oak trees on the eastern portion. The on-site structure was built in 1948 and previously used as a drive-thru restaurant. The building is founded on concrete slab and perimeter foundation, does not contain a basement, and has a flat roof. All of the restaurant equipment and fixtures have been removed from the building except for a large built-in pizza oven. The structure would be demolished as part of the proposed project.

CEQA requires lead agencies to carefully consider the potential effects of a project on historical resources. "Historical resources" include, but are not limited to, any object, building, structure, site, area, place, record, or manuscript that is historically or archaeologically significant (Public Resources Code Section 5020.1). Section 15064.5 of the CEQA Guidelines specifies criteria for evaluating the importance of historical resources, including:

- The resource is associated with events that have made a significant contribution to the broad patterns of California history;
- The resource is associated with the lives of important persons from our past;
- The resource embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual or possesses high artistic values; or
- The resource has yielded, or may be likely to yield, important information in prehistory or history.

The existing vacant structure is not included in the City's local register of historical resources. As mentioned above, the site was previously used as a drive-thru restaurant. As such, the vacant structure is unlikely associated with events that have made a significant contribution to the broad patterns of California history or with the lives of

important persons from our past. The structure's concrete slab and perimeter foundation, flat roof, and built-in pizza oven would not likely embody any distinctive characteristics of a type, period, region or method of construction, or represent the work of an important creative individual or possesses high artistic values. In addition, exterior alterations to the building were completed over time without building permits. Furthermore, the structure's past use as a drive-thru restaurant has not yielded and would not likely yield any important information in prehistory or history. As such, per CEQA Guidelines, the existing on-site structure would not be considered a historical resource. Therefore, the proposed project would not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5, and impacts would be ***less than significant***.

b-d. Unique archeological or geological resources, human remains, or cultural resources have not been identified for the project site. Given the developed nature of surrounding land uses, and the partially developed state of the project site, it would be unlikely for such resources to be found on the site. However, the possibility exists for previously unknown resources to be found on-site during grading and excavation associated with construction and the installation of new infrastructure lines for the proposed development. In the event that such resources are unearthed, the City's standard measures related to the protection of archaeological resources would be implemented.

1. An archaeologist shall be present on-site to monitor all ground-disturbing activities. Where historical or archaeological artifacts are found, work in areas where remains or artifacts are found will be restricted or stopped until proper protocols are met, as described below:
    a. Work at the location of the find will halt immediately within thirty feet of the find. If an archaeologist is not present at the time of the discovery, the applicant shall contact an archaeologist for evaluation of the find to determine whether it qualifies as a unique archaeological resource as defined by this chapter;
    b. If the find is determined not to be a Unique Archaeological Resource, construction can continue. The archaeologist will prepare a brief informal memo/letter that describes and assesses the significance of the resource, including a discussion of the methods used to determine significance for the find;
    c. If the find appears significant and to qualify as a unique archaeological resource, the archaeologist will determine if the resource can be avoided and will detail avoidance procedures in a formal memo/letter; and
    d. If the resource cannot be avoided, the archaeologist shall develop within forty-eight hours an action plan to avoid or minimize impacts. The field crew shall not proceed until the action plan is approved by the community development director. The action plan shall be in conformance with California Public Resources Code 21083.2.

2. The following policies and procedures for treatment and disposition of inadvertently discovered human remains or archaeological materials shall apply. If human remains are discovered, it is probable they are the remains of Native Americans,

    a. If human remains are encountered they shall be treated with dignity and respect as due to them. Discovery of Native American remains is a very sensitive issue and serious concern. Information about such a discovery shall be held in confidence by

all project personnel on a need to know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.

b. Remains should not be held by human hands. Surgical gloves should be worn if remains need to be handled.
c. Surgical mask should also be worn to prevent exposure to pathogens that may be associated with the remains.

3. In the event that known or suspected Native American remains are encountered or significant historic or archaeological materials are discovered, ground-disturbing activities shall be immediately stopped. Examples of significant historic or archaeological materials include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials and historic structure remains such as stone-lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the exclusion zone as defined below.

4. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable buffer zone by the contractor foreman or authorized representative, or party who made the discovery and initiated these protocols, or if on-site at the time or discovery, by the monitoring archaeologist (typically twenty-five to fifty feet for single burial or archaeological find).

5. The exclusion zone shall be secured (e.g., twenty-four hour surveillance) as directed by the city or county if considered prudent to avoid further disturbances.

6. The contractor foreman or authorized representative, or party who made the discovery and initiated these protocols shall be responsible for immediately contacting by telephone the parties listed below to report the find and initiate the consultation process for treatment and disposition:

   a. The city of Morgan Hill Community Development Director,
   b. The contractor's point(s) of contact,
   c. The coroner of the county of Santa Clara (if human remains found),
   d. The Native American Heritage Commission (NAHC) in Sacramento, and
   e. The Amah Mutsun Tribal Band.

7. The coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American, the Coroner has twenty-four hours to notify the NAHC.

8. The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD) from the Amah Mutsun Tribal Band. (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.).

9. Within twenty-hour hours of their notification by the NAHC, the MLD will be granted permission to inspect the discovery site if they so choose,

10. Within twenty-four hours of their notification by the NAHC, the MLD may recommend to the City's community development director the recommended means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses or DNA analyses recommended by the Amah Mutsun Tribal Band may be considered and carried out.

11. If the MLD recommendation is rejected by the City of Morgan Hill the parties will attempt to mediate the disagreement with the NAHC. If mediation fails then the remains and all associated grave offerings shall be reburied with appropriate dignity on the property in a location not subject to further subsurface disturbance.

Compliance with the above standard conditions of approval would ensure that the construction of the proposed 19 affordable multi-family units and office space would have a ***less-than-significant*** impact to cultural resources.

e. Tribal cultural resources are generally defined by Public Resources Code 21074 as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe. A Sacred Lands File search, performed by the Native American Heritage Commission (NAHC) for the immediate project area on November 30, 2015, failed to indicate the presence of Native American cultural resources in the immediate project area. The project site is currently developed and within an existing urban, developed environment. As such, given the results of the NAHC sacred lands file search, and the existing disturbed, developed environment of the project site, the project would result in a ***less-than-significant*** impact to tribal cultural resources.

VI. GEOLOGY AND SOILS. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of a known fault?	☐	☐	✖	☐
ii. Strong seismic ground shaking?	☐	☐	✖	☐
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☐	✖
iv. Landslides?	☐	☐	☐	✖
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	✖	☐
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	✖	☐
d. Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code?	☐	☐	✖	☐
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	✖

ai-ii, The San Francisco Bay Area is one of the most seismically active areas in the United States. An earthquake of moderate to high magnitude generated within the San Francisco Bay region could cause considerable ground shaking at the project site. The degree of shaking is dependent on the magnitude of the event, the distance to its zone of rupture, and local geologic conditions. The three major faults in the area are the Calaveras, Monte Vista-Shannon, and San Andreas faults. According to the geotechnical report prepared for the proposed project by Pacific Geotechnical Engineering, the site is in an area of high seismicity. The proposed project is not located within an Alquist-Priolo Fault Zone or any other State of California Earthquake Fault Zone. However, the project site is still considered to be in an area of high seismicity that could potentially be impacted in the case of a severe earthquake. The project site is in an urbanized area of the City and surrounded by existing commercial and residential development. Development of the proposed project would be required to comply with City building codes related to footing, foundations, and building material requirements in Chapter 15.08 of the City's Municipal Code. Compliance with such would ensure the structural integrity of proposed structures could withstand an earthquake of moderate to high magnitude. Therefore, impacts related to the rupture of a known earthquake fault and associated seismic - related ground shaking would result in a ***less-than-significant*** impact.

aiii-iv. The primary factors affecting soil liquefaction include the intensity and duration of seismic shaking, soil type, relative density of granular soils, moisture content and plasticity of fine-grained soils, overburden pressure, and depth to groundwater. According to the geotechnical report prepared for the proposed project, soil composition of the site consists of lean clay sand, and sandy lean clay of low plasticity, which are anticipated to have low expansion potential. Subsurface soils encountered during Pacific Geotechnical Engineering's subsurface exploration did not encounter groundwater in any of the drill holes. Furthermore, the site is not located in a Santa Clara County Liquefaction Hazard Zone map. As such, the project site would not be susceptible to liquefaction hazards. Given the project site's relatively flat topography, landslides would not occur. Subsequently, ***no impact*** would occur related to liquefaction or landslides.

b Buildout of the proposed project would involve construction-related activities, including utility excavation, grading, and leveling of the site. During such early stages of construction, topsoil would be exposed. The site would require 187 CY of soil to be cut and 578 CY of soil to be imported to the site. After grading and leveling and prior to overlaying the ground surface with structures, while topsoil would be exposed, the potential exists for wind erosion to occur, which could affect the project area and potentially inadvertently transport eroded soils to downstream drainage facilities.

Prior to the approval of improvement plans and issuance of building permits, the applicant will submit a sediment and erosion control plan to the City of Morgan Hill, Public Works Department, as a standard City condition. The plan shall be acceptable and conform to City standards to prevent significant sediment and soil erosion during construction and include the standards and guidelines found in the California Stormwater Quality Association, Stormwater Best Management Practice Handbook. Compliance with these City standards would ensure that the project would have a ***less-than-significant*** impact with respect to substantial soil erosion.

c-d. As previously mentioned, the site's soil composition is made up of soils considered to be of low plasticity and subsequently low expansion potential. Additionally, groundwater was not encountered in any of the drill holes during the geotechnical consultant's subsurface exploration. Given the above considerations, the site would not be located on a geologic unit or soil that is unstable or be located on expansive soil as defined in Table 18-1B of the Uniform Building Code; therefore, a ***less-than-significant impact*** would occur.

e. The proposed development would not include the use of septic tanks. Accordingly, ***no impact*** would occur from soils incapable of adequately supporting the use of septic tanks.

VII. GREENHOUSE GAS EMISSIONS. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	✖	☐
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?	☐	☐	✖	☐

a, b. Emissions of greenhouse gases (GHGs) contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on earth. An individual project's GHG emissions are at a micro-scale level relative to global emissions and effects to global climate change; however, an individual project could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. As such, impacts related to emissions of GHG are inherently considered cumulative impacts.

Implementation of the proposed project along with other past, present, and reasonably foreseeable future projects, would cumulatively contribute to increases of GHG emissions that are associated with global climate change. Estimated GHG emissions attributable to future development would be primarily associated with increases of carbon dioxide (CO_2) and, to a lesser extent, other GHG pollutants, such as methane (CH_4) and nitrous oxide (N_2O). Sources of GHG emissions include area sources, mobile sources or vehicles, utilities (electricity and natural gas), water usage, wastewater generation, and the generation of solid waste. The common unit of measurement for GHG is expressed in terms of annual metric tons of CO_2 equivalents ($MTCO_2e$/yr).

The proposed project is located within the jurisdictional boundaries of the BAAQMD. The BAAQMD threshold of significance for project-level operational GHG emissions is 1,100 $MTCO_2e$/yr or 4.6 $MTCO_2e$/yr per service populations (population + employees). The City of Morgan Hill has determined that the BAAQMD thresholds of significance are supported by substantial evidence and are used for the analysis within this IS/MND. Construction GHG emissions are a one-time release and are, therefore, not typically expected to generate a significant contribution to global climate change. Neither the City nor BAAQMD has an adopted threshold of significance for construction-related GHG requiring quantification.

In addition, the BAQQMD establishes screening criteria for development projects that provide a conservative indication of whether development could result in a potentially significant GHG emissions. If the screening criteria are met by a project, a detailed assessment of that project's GHG emissions would not be required. The proposed project would be considered a low-rise apartment development under the screening criteria. The

proposed project includes 19 affordable multi-family units, which would be well below the BAAQMD GHG screening criteria for a low-rise apartment development of 78 dwelling units.

However, the proposed project would also involve 1,000 sf of office / commercial uses. Screening criteria for a general commercial development is not available. Because the proposed commercial space is intended to leased, the specific use is not known at this time. Using the most conservative BAAQMD screening level for GHG available for a commercial use, which would be 1,000 sf (or 1.0 ksf) (associated with a 24-hour convenience market or fast food restaurant), the proposed project would be right at the screening threshold given that the project's office / commercial space would be approximately 1,000 sf. Because the proposed project's commercial component would be right at the 1,000 sf screening level for a commercial land use, a detailed assessment for GHG emissions is not required and GHG emissions would be considered to be below the applicable thresholds.

In addition, the proposed project would also include the use of solar energy, which would further reduce the project's carbon footprint. Therefore, the proposed project would not generate GHG emissions that would have a significant impact on the environment or conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG, and impacts would be considered ***less than significant***.

VIII. HAZARDS AND HAZARDOUS MATERIALS. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	✖	☐
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	☐	✖	☐	☐
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	✖	☐
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	✖
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	✖
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	✖
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	✖
h. Expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	✖

a,c. Projects that involve the routine transport, use, or disposal of hazardous materials are typically industrial in nature. The proposed project would primarily be a residential development, with a 1,000-square-foot space for office/commercial uses, and would not be industrial in nature. Residential and general office land uses do not typically involve the routine transport, use, disposal, or generation of substantial amounts of hazardous materials. Construction activities would involve the use of heavy equipment, which would contain fuels and oils, and various other products such as concrete, paints, and adhesives. However, the project contractor would be required to comply with all California Health and Safety Codes and local ordinances regulating the handling, storage, and transportation of hazardous and toxic materials, as overseen by the California EPA and California Department of Toxic Substance Control.

The project site is not within one-quarter mile of an existing or proposed school. The nearest school, Paradise Valley Elementary School, is located approximately 0.57-mile southwest of the project site. Thus, the project site is not located within one-quarter mile of an existing or proposed school.

Because project operations would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, and would, thus, not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, impacts would be considered ***less than significant***.

b. A Phase I Environmental Site Assessment (ESA) was performed for the proposed project site by PIERS Environmental Services, Inc. in April of 2014. The Phase I ESA included a visual reconnaissance of the site, a review of historical documentation, regulatory agency files, current environmental sites radius report, and interviews with available property contacts, regulatory officials, and personnel associated with the surrounding properties.

According to the Phase I ESA, the proposed project site does not contain hazardous materials, storage tanks, or water supply, irrigation, oil, injection, or dry wells, or stained soil or pavement. The only structure observed on-site is the former drive-thru restaurant structure, built in 1948, and some wood and concrete debris. The historical investigation did determine that a former residence was present on the site by 1948, with which the wood and concrete debris was found to be associated. The Phase I ESA also indicated that recognized environmental conditions (RECs) were not identified on the project site. Although the Phase I ESA did not find the site to contain hazardous materials or RECs, the site contains a structure built prior to 1980, which could potentially contain asbestos-containing materials and lead-based paints.

Asbestos-containing materials (ACMs) were banned in the mid-1970s. These materials can include, but are not limited to resilient floor coverings, drywall joint compounds, acoustic ceiling tiles, piping insulation, electrical insulation and fireproofing materials. Depending upon the age of construction, lead-based paints could also be present in the existing structures that may be demolished as part of the project. Typically, exposure to lead from older vintage paint is possible when the paint is in poor condition or is being removed. In construction settings, workers could be exposed to airborne lead or asbestos during renovation, maintenance, or demolition work.

Construction activities would involve the use of heavy equipment, which would contain fuels and oils, and various other products such as concrete, paints, and adhesives. Additionally, construction would be temporary and the project contractor would be required to comply with all California Health and Safety Codes and local ordinances regulating the handling, storage, and transportation of hazardous and toxic materials, as overseen by the Cal-EPA and the Department of Toxic Substances Control. However, the potential exists for asbestos or lead-based materials to be released during construction activities.

Given that the structure on-site could potentially contain ACMs and/or lead-based paints and expose those materials during project construction activities, the project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions. Therefore, a ***potentially significant*** impact could result.

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above impacts to a *less-than-significant* level.

VIII-1 *A lead survey of painted surfaces shall be performed prior to demolition of the on-site structure and submitted to the City of Morgan Hill. If lead-based paints are not found, no further mitigation measures are necessary. If found, the project shall comply with the California Occupational Safety and Health Administration "lead-in-construction" standards (Title 8 CCR, Section 1532.1) to protect workers from exposure to lead. Requirements include worker training, proper hygiene practices, air monitoring, and other controls. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the waste being disposed.*

VIII-2 *An asbestos survey of the on-site structure shall be performed prior to demolition of the structure and submitted to the City of Morgan Hill. If asbestos-containing materials are not found, further mitigation measures are not necessary. If found, a registered asbestos abatement contractor shall be retained by the applicant to remove and dispose of all potentially friable asbestos-containing materials, prior to disturbance during demolition activities, in accordance with California Occupational Safety and Health Administration regulations. All demolition activities shall be undertaken in accordance with Occupational Safety and Health Administration standards contained in Title 8 of the California Code of Regulations to protect workers from exposure to asbestos. Specific measures could include air monitoring during demolition and the use of vacuum extraction for asbestos-containing materials. Disposal of all asbestos-containing materials shall be completed in accordance with applicable laws and regulations.*

VIII-3 *Materials containing more than one (1) percent asbestos that is friable are also subject to BAAQMD Regulation 11, Rule 2. Removal of materials containing more than one (1) percent friable asbestos shall be completed in accordance with BAAQMD Regulation 11, Rule 2, Section 303, Demolition, Renovation, and Removal.*

d. The proposed project site is not included on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, ***no impact*** would result from implementation of the proposed project.

e,f. The nearest airport to the project site is the South County – San Martin Airport, which is located approximately 3.45 miles southeast of the project site at 13030 Murphy Avenue. The project site is located well outside of the Airport Influence Area (AIA) identified in the South County Airport comprehensive land use plan. In addition, the project site is not located within the vicinity of a private airstrip. Therefore, ***no impact*** would occur.

g. The proposed project is consistent with the General Plan land use and zoning designations for the site. Implementation of the proposed project site would not result in any substantial modifications to the existing roadway system and would not interfere with potential evacuation or response routes used by emergency response teams. Therefore, ***no impact*** would result.

h. The proposed project site is partially developed and surrounded by existing residential and commercial development. Fuel sources for wildfires, such as wood and dry vegetation, are not located in close proximity to the project site. The City of Morgan Hill Wildland Urban Interface map illustrates that the project site is not located in a fire hazard severity zone.[3] Therefore, wildland fires would pose ***no impact*** to the proposed residential structures.

[3] City of Morgan Hill. *City of Morgan Hill Wildland Urban Interface Map.* March 2009.

IX. HYDROLOGY AND WATER QUALITY. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?	☐	☐	✖	☐
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (i.e., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	✖	☐
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	✖	☐
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	✖	☐
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	✖	☐
f. Otherwise substantially degrade water quality?	☐	☐	✖	☐
g. Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	✖	☐
h. Place within a 100-year floodplain structures which would impede or redirect flood flows?	☐	☐	✖	☐
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.	☐	☐	✖	☐
j. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	✖

a,f. Water quality degradation is regulated by the Federal National Pollutant Discharge Elimination System (NPDES) Program, established by the Clean Water Act, which controls and reduces pollutants to water bodies from point and non-point discharges. In California, the NPDES permitting program is administered by the State Water Resources Control Board (SWRCB) through nine Regional Water Quality Control Boards (RWQCB). Projects disturbing more than one acre but less than five acres of land during construction must be covered under the State NPDES General Permit for Discharges of

Storm Water Associated with Construction Activity (General Permit). A Notice of Intent must be filed with the RWQCB and the General Permit requires that a Storm Water Pollution Prevention Plan (SWPPP) be prepared. The proposed project site is 0.996 acres. As such, the project's acreage is less than the acreage criteria for projects requiring a SWPPP; therefore the project would not be required to prepare a SWPPP.

In order to meet water quality objectives for the region, the City of Morgan Hill, City of Gilroy, and County of Santa Clara have prepared and are implementing a Revised Regional Storm Water Management Plan (SWMP).[4] The SWMP incorporates the efforts of the City of Morgan Hill, the City of Gilroy, and the unincorporated portion of Santa Clara County, within the watershed of the Pajaro River and Monterey Bay, to meet the Phase II Storm Water Permit requirements for small municipal separate storm sewer systems (MS4s). The Upper Pajaro River Watershed is located within the jurisdiction of the Central Coast Regional Water Quality Control Board (CCRWQCB).

The City of Morgan Hill implements the SWMP through an extensive program that entails: 1) the establishment of SWMP goals for the City; 2) public education and outreach; 3) public involvement and participation; 4) illicit discharge control; 5) construction site storm water runoff control; 6) post-construction storm water management in development; and 7) pollution prevention. For construction activities, the SWMP presents Best Management Practices (BMPs) that are required for the control of storm water runoff quality during construction. BMPs are also provided for the control of runoff quality from new projects and redeveloped properties. The City has also adopted an Ordinance, codified in Chapter 18.71 of the City's Municipal Code, which requires certain development projects to incorporate permanent storm water pollution prevention measures. The proposed project is subject to the City's Post Construction Storm Water Pollution Prevention ordinance (i.e., Chapter 18.71).

Although the proposed project does not require a SWPPP, the project would still be required to comply with standards in the City's SWMP including low impact development and post-construction requirements. Construction activities of the proposed development have the potential to cause erosion and sedimentation, which could ultimately degrade downstream water quality. Furthermore, after project completion, paved facilities and landscape irrigation could contribute incrementally to the degradation of downstream water quality due to introduction of urban pollutants. Water quality degradation from urban stormwater runoff is primarily the result of runoff carrying pollutants from the land surface (i.e., streets, parking lots, pastures) to the receiving waters.

The proposed project would include a storm drain system that would convey stormwater generated on-site to the underground "raintank" infiltration system located at the northeastern corner of the site. The raintank system has been preliminarily sized to accommodate the post-project runoff from the project site. The final design of the proposed drainage system will be reviewed and approved by the City of Morgan Hill

[4] City of Morgan Hill. *Revised Regional Storm Water Management Plan*. February 22, 2010.

Public Works Department, who will ensure that the proposed system complies with the City's Post Construction Stormwater Pollution Prevention Ordinance with respect to incorporating sufficient permanent stormwater treatment control BMPs. Therefore, the proposed project would have a ***less-than-significant*** impact related to violating any water quality standards or waste discharge requirements or substantially degrading water quality.

b. The City of Morgan Hill relies on groundwater sources for the public water supply. The proposed project does not include installation of wells and would therefore, be unlikely to impact the groundwater table. The project site is currently partially developed with a vacant structure and paved parking lot on the western portion, and contains a vacant field with vegetation and trees on the eastern portion. Although the proposed project would be adding impervious surfaces to the site, the site is within an urbanized area of the City and surrounded by existing residential and commercial development. As such, the site would not be considered a major source for groundwater recharge. Furthermore, the proposed project would include the use of water-conserving features, such as trees with low to moderate water use, in the project development, further reducing the water demands of the site. Therefore, the proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level, and impacts would be ***less than significant***.

c-e. As previously mentioned the proposed project site is partially developed with a vacant structure and associated parking lot on the western portion, and a vacant field with vegetation and oak trees on the eastern portion. The site is surrounded by existing residential and commercial development and does not include a stream or river on-site or in the immediate vicinity. Implementation of the proposed project would result in 30,916 sf of impervious surfaces and 12,457 sf of pervious surfaces. While implementation of the proposed project would result in additional impervious surfaces, the proposed project would include a storm drain system that would convey stormwater generated on-site to the proposed "raintank" infiltration system located on the northeastern corner of the site. Furthermore, stormwater runoff associated with the site would be required to comply with the City's SWMP standards. As such, the project would not significantly increase storm water flows into the existing system. The final drainage system design for the project will be subject to review and approval by the City of Morgan Hill Public Works Department, who will confirm that the proposed drainage system for the project is consistent with the City's Storm Drainage Master Plan and standard stormwater-related conditions of approval. Therefore, the proposed project would not substantially alter the existing drainage pattern of the site or area in a manner that would result in substantial erosion, siltation, or flooding on- or off-site, create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems, or provide substantial additional sources of polluted runoff. Therefore, impacts would be considered ***less than significant***.

g,h. According to FEMA map number 06085C0607H, the proposed project site is located within Zone X (shaded). Zone X (shaded) is defined as the area between the limits of the

100-year floodplain and the 500-year floodplain (i.e. 0.2 percent annual chance flood). As such, the proposed project would not be placing housing or structures within the 100-year floodplain. Because the proposed project is not within the 100-year floodplain, flood impacts to housing or structures would be considered to ***less than significant***.

i. The Association of Bay Area Governments has compiled dam failure inundation hazard maps submitted to the State Office of Emergency Services by dam owners throughout the Bay Area. The map for the City of Morgan Hill shows the project site to be in the dam failure inundation hazard zone for Anderson Reservoir.[5] The *Morgan Hill General Plan* recognizes the risk of potential flooding to the City as a result of the Anderson and Chesbro Reservoirs.

In order to address potential impacts, the Santa Clara Valley Water District (SCVWD) completed a seismic stability study for Anderson Dam in 2011. The analysis concluded that the dam may experience significant damage during an earthquake. As a result of the seismic study's conclusions, the City of Morgan Hill has decided to seismically retrofit the dam. The Initial Study for the Anderson Dam Seismic Retrofit project was completed in 2013. Currently, the project is in the design phase with construction expected in 2017.[6] Due to the current progress of seismic retrofitting improvements the dam, the likelihood of catastrophic dam failure is considered low, resulting in a ***less-than-significant*** impact.

j. A seiche is defined as a wave generated by rapid displacement of water within a reservoir or lake, due to an earthquake that triggers land movement within the water body or land sliding into or beneath the water body. The project site is not located near a water body that is susceptible to seiche hazard. Furthermore, the distance to the nearest coastline does not subject to tsunami hazards, resulting in ***no impact***.

[5] Association of Bay Area Governments. *Dam Failure Inundation Hazard Map for Morgan Hill*. 1995. http://www.abag.ca.gov/cgi-bin/pickdamx.pl. Accessed November 11, 2015.
[6]Santa Clara Valley Water District. *Final Anderson Dam Seismic Study Concludes that Storage Restrictions Can Be Modified but Dam Must Be Retrofitted.* July 6, 2011.

X. LAND USE AND PLANNING. *Would the project:*		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a.	Physically divide an established community?	☐	☐	☐	✖
b.	Conflict with any applicable land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	✖	☐
c.	Conflict with any applicable habitat conservation plan or natural communities conservation plan?	☐	☐	☐	✖

a. The proposed project site is surrounded by existing commercial and residential development. The project would include the development of 19 multi-family residential units, a community space, and an office / commercial ground floor space. As such, the project would be consistent with surrounding land uses and would not physically divide an established community. Therefore, ***no impact*** would occur.

b. The project site is currently designated Multi-family Low Density and zoned Residential for APN 817-03-003, and designated Non Retail Commercial and zoned for Light Commercial / Residential for APN 817-3-004 under the *Morgan Hill General Plan* and zoning map. The applicant is requesting a zoning amendment for a Planned Development Overlay for the project site, for flexibility in design; however, the project would still be consistent with the land use and zoning designations for the site.

The timing and amount of residential growth in Morgan Hill is ultimately controlled by the Residential Development Control System (RDCS), which was adopted for the purpose of managing growth in Morgan Hill. The RDCS generally limits development allotments to 250 residential units a year according to a point system based on a variety of factors including provision of public services, site planning, and architectural design considerations. According to the Morgan Hill Planning Commission, 48 allotments have been allowed for affordable housing in the 2016 / 2017 fiscal year. The project has been awarded 19 allocations of the 48 allocations for affordable housing available for the 2016-2017 fiscal year. As such, the project would not conflict with applicable land use plans, policies, regulations, or surrounding uses and impacts would be ***less than significant***.

c. The City of Morgan Hill is a partner jurisdiction to the Santa Clara Valley Habitat Plan. The Habitat Plan has been approved and adopted by six local partners, including Morgan Hill as of 2013. Under the Habitat Plan, the proposed project site is considered an Urban-Suburban land cover type, though the eastern portion of the project site is within Fee Zone C. As such, the payment of fees by the applicant would satisfy the requirements of the Santa Clara Valley Habitat Plan. Therefore, the project would have a ***less-than-significant*** impact regarding a conflict with the provisions of an adopted Habitat

Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation.

XI. MINERAL RESOURCES. *Would the project:*		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	✖
b.	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	✖

a,b. The *Morgan Hill General Plan* does not identify any regionally or locally important mineral resources within the City of Morgan Hill. The *Santa Clara County General Plan* does identify mineral resources of importance, however, the project site is not in proximity to the quarries currently in operation. Subsequently, the proposed project would not result in the loss of a known mineral resource that would be of value to the region nor would the project result in the loss of locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Therefore, ***no impact*** to mineral resources would occur as a result of the construction of the proposed project.

XII. NOISE. *Would the project result in:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	✖	☐	☐
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	✖	☐
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	✖	☐	☐
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	✖	☐
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	✖
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	✖

a,c. The following discussion is based on a Noise Assessment Study prepared for the proposed project by Edward L. Pack Associates, Inc. in November 2015.

Noise Standards and Criteria

The noise exposure associated with the site were evaluated against the noise standards and criteria described below.

City of Morgan Hill Noise Element

The noise exposures presented in this section were evaluated against the standards of the City of Morgan Hill Noise Element, which uses the Day-Night Level (DNL) 24-hour descriptor to define acceptable noise exposures for various land uses. The standards specify a limit of 65 decibels (dB) DNL at common areas of multi-family developments if mitigation to achieve 60 dB DNL is not feasible. The exterior noise standards are typically not applied to small, limited use areas such as balconies and decks; however, a limit of 65 dB DNL is used herein as the criterion for the proposed patio areas.

A limit of 45 dB DNL is specified for interior living spaces. In addition, the Noise Element specifies that when the exterior noise exposure is greater than 60 dB DNL, the

maximum instantaneous noise levels shall not exceed 50 dBA in bedrooms and 55 dBA in other living spaces.

California Code of Regulations, Title 24

The Title 24 standards use the DNL descriptor and specify a limit of 45 dB DNL or lower for interior living spaces from exterior noise sources. The Title 24 standards also specify minimum sound insulation ratings for common partitions separating different dwelling units and dwelling units from interior common spaces. The standards specify that common walls and floor/ceiling assemblies must have a design Sound Transmission Class (STC) rating of 50 or higher. As design details for the interior partitions of the project were not available at the time the Noise Assessment Study was prepared, an evaluation of the interior partitions was not made.

Summary of Analysis Methodology

The full methodology used for the preparation of the Noise Assessment Study, as well as detailed calculations and results, are available within Appendix C to this IS/MND. However, a brief summary of the methodology is described below.

Existing Noise Levels

According to the Noise Assessment Study, the existing on-site noise environment is controlled primarily by traffic sources on Monterey Road. Monterey Road currently carries an average daily traffic volume of 23,119 vehicles. The aforementioned traffic volumes were interpolated from the reported 2009 and 2030 volumes shown in the City of Morgan Hill Circulation Element.

To determine the existing noise environment at the project site, continuous recordings of the sound levels were made at one location. The location was 79 feet from the centerline of Monterey Road, where the vacant structure currently stands. The measurements were made on October 29 and 30, 2015. The measurements were made for a total period of 24 hours and included recordings of the noise levels during representative hours of the daytime and nighttime periods of the DNL index. Also measured were the maximum and minimum levels, and the continuous equivalent-energy levels (L_{eq}), which are used to calculate the DNL.

The highest hourly maximum noise level during the daytime hours of 7:00 AM to 10:00 PM was calculated for the interior living spaces and evaluated against the 55 dBA limit for other living spaces (other than bedrooms). The highest hourly maximum noise level during the nighttime hours of 10:00 PM to 7:00 AM was calculated for the bedrooms and was evaluated against the 50 dBA limit for bedrooms.

Future Noise Levels

The future (2030) traffic volume data for Monterey Road were reported in the City of Morgan Hill Circulation Element. The 2030 Current General Plan and Recommended Roadway Forecast for Monterey Road predict an increase from the 2009 volume of 22,850 vehicles to 24,000 vehicles for 2030. The increase from the interpolated 2014 volume of 23,119 vehicles to 24,000 vehicles yields a one dB increase in the traffic noise levels.

Exterior Noise Calculations

The DNL for the survey location were calculated by decibel averaging of the L_{eq}'s as they apply to the daily time periods of the DNL index. The DNL is a 24-hour noise descriptor that uses the measured L_{eq} values to calculate a 24-hour time-weighted average noise exposure. A description of the formula used to calculate the DNL is included in Appendix C to this IS/MND. Adjustments were applied to the measured noise levels to account for the various setback distances from the measurement location using methods established by the Highway Research Board.

Interior Noise Calculations

To determine the interior noise exposures in project living spaces, a 15 dB reduction was applied to the exterior noise exposures at the building setbacks to represent the attenuation provided by a typical building shell under an annual-average condition. The annual-average condition assumes that windows are comprised of standard dual-pane thermal insulating glass and are kept open up to 50 percent of the time for natural ventilation.

To determine in the interior maximum noise levels, a 25 dB reduction factor was applied to the measured maximum noise levels at the building setback to account for the noise reduction provided by the building shell under a closed window condition. As the maximum noise levels are produced by singular noise sources, increases in future traffic volume do not affect the maximum noise levels.

Analysis Results

The proposed project would include the development of 19 affordable multi-family residential units on a 0.996-acre site, located along Monterey Road. The project would also include a courtyard, a private community space, and approximately 1,000 sf of office / commercial space, which would be leased out. The office / commercial space would be located on the western portion of the site. Ingress and egress to the project site would be by way of a new project driveway off of Monterey Road.

The noise environment at the project site with implementation of the proposed project is discussed in further detail below.

Exterior Noise Exposures and Noise Levels

Based on the measurements taken for the existing environment, the L_{eq}'s at 79 feet from the centerline of Monterey Road, ranged from 62.2 to 68.6 dBA during the daytime and from 52.0 to 67.9 dBA at night. The maximum noise levels at the planned building setback from Monterey Road ranged from 72 to 76 dBA during the daytime and from 66 to 76 dBA at night. It should be noted that traffic noise dissipates at the rate of 3 to 6 dB for each doubling of the distance from the source to the receiver. Therefore, other locations on the site at greater distances from the roadway would have lower noise levels.

The existing exterior noise exposure at the common area at the planned courtyard area was measured at 46 dB DNL. Under future traffic conditions and with implementation of the proposed project, the noise exposure at the planned courtyard area, approximately 123 feet from the centerline of Monterey Road, is expected to remain at 46 dB DNL. Thus, the noise exposures would be below the 65 dB DNL standard of the City of Morgan Hill Noise Element.

Because the exterior noise exposures at the most impacted planned areas on the project site would be below the City of Morgan Hill Noise Element's applicable exterior noise standards limit of 65 dB DNL, the proposed project would not be considered to expose persons to or generate noise levels in excess of the applicable standard for exterior noise levels.

Interior Noise Exposure

For interior noise exposure, both the City's Noise Element and Title 24 standards use a limit of 45 dB DNL for interior living spaces. Based on the exterior noise exposure at the most impacted planned residential building setback from Monterey Road, the interior noise exposures in the most impacted living spaces closest to Monterey Road would be 55 dB DNL under existing and future traffic conditions. Thus, the noise exposures would be up to 10 dB in excess of the 45 dB DNL limits of the City of Morgan Hill Noise Element and Title 24 standards.

Because the existing exterior noise exposures at the planned building facades along Monterey Road would be higher than 60 dB DNL under existing and future conditions, the interior maximum instantaneous noise limits of the Noise Element are also applicable, which are 50 dBA for bedrooms and 55 dBA for other living spaces.

The interior maximum noise levels in the most impacted living spaces closest to Monterey Road were calculated to be 47 to 51 dBA during the daytime. Thus, the maximum interior noise levels would be within the 55 dBA limit for living spaces. The maximum interior noise levels were calculated to be 41 to 51 dBA during the nighttime period. Thus, the maximum interior noise levels would be up to one dB in excess of the 50 dBA limit for bedrooms.

Traffic Noise Levels

According to Edward L. Pack Associates, Inc., a project would have to add approximately 15 percent to the existing traffic volumes in order to increase the noise environment by one decibel.[7] An increase in three decibels, which amounts to doubling the existing traffic volumes, would be considered significant. Given the minimal amount of units being proposed by the proposed project, the project would not likely add 15 percent, nor double the existing traffic volumes along Monterey Road. As such, a significant increase in traffic noise would not occur as a result of the proposed project.

Conclusion

Although the exterior noise levels at the planned courtyard would be below the applicable noise limits, the anticipated interior noise levels would still exceed the 45 dB DNL limit per the City of Morgan Hill Noise Element and Title 24. Consequently, the proposed project could expose persons to or generate noise levels in excess of the applicable standard for interior noise levels and cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. Therefore, impacts would be considered ***potentially significant***.

Mitigation Measure(s)
Implementation of the following mitigation measure would reduce the above impact to a *less-than-significant* level.

XII-1. Prior to issuance of a building permit, the project applicant shall show on building plans, subject to review and approval by the Planning Division, that the following window and door controls would be included in the project design:

- *All windows and glass doors of living spaces of the front building, and with a direct or side view of Monterey Road (north, east and south facades), and at bedroom windows in the west façade of the rear building, shall be rated minimum Sound Transmission Class (STC) 32 at living spaces of the front building.*
- *All remaining windows of the project, including bathroom windows, may be fitted with any type of glass, with the exception of bathroom windows that are in integral part of a noise impacted living space and not separated by a closeable door.*
- *All windows must be of good quality and provide tight seals to prevent sound infiltration. To achieve an acoustically-effective window construction, the operable window panels must form an air-tight seal when in the closed position. In addition, the window and door frames must be caulked to the wall opening around their entire perimeter with a non-hardening caulking compound or acoustical sealant.*

[7] Personal email communication from Jeffrey Pack of Edward L. Pack Associates, Inc., dated December 4, 2015.

- *When windows are maintained closed for noise control, they are to be operable, as the requirement does not imply a "fixed" condition. Also, under the closed window requirement some type of mechanical ventilation should be provided to assure a habitable environment, as specified by the Uniform Building Code (UBC). In addition, the ventilation methods or equipment shall not compromise the acoustical integrity of the building shell.*

It should be noted that many dual-pane window assemblies have inherent noise reduction problems in the traffic noise frequency spectrum due to resonance that occurs within the air space between the window lites, and the noise reduction capabilities vary from manufacturer to manufacturer. Therefore, the acoustical test report of all sound rated windows and doors should be reviewed by a qualified acoustician to ensure that the chosen windows and doors will adequately reduce traffic noise to acceptable levels. The project applicant shall obtain a letter of compliance for the window and door controls listed above prior to issuance of a building permit from the Planning Division.

b. Vibration is like noise in that both involve a source, a transmission path, and a receiver. While vibration is related to noise, noise is generally considered to be pressure waves transmitted through air, whereas vibration usually consists of the excitation of a structure or surface. As with noise, vibration consists of an amplitude and frequency. A person's perception to the vibration depends on their individual sensitivity to vibration, as well as the amplitude and frequency of the source and the response of the system that is vibrating.

Vibration can be measured in terms of acceleration, velocity, or displacement. A common practice is to monitor vibration measures in terms of peak particle velocities in inches per second. Standards pertaining to perception as well as damage to structures have been developed for vibration levels defined in terms of peak particle velocities.

Human and structural response to different vibration levels is influenced by a number of factors, including ground type, distance between source and receptor, duration, and the number of perceived vibration events. Table 3, which was developed by Caltrans, shows the vibration levels which would normally be required to result in damage to structures. The vibration levels are presented in terms of peak particle velocity in inches per second. Table 3 indicates that the threshold for architectural damage to structures is 0.20 in/sec peak particle velocity. In addition, the level at which vibration is perceptible by people is 0.08 in/sec, therefore 0.20 in/sec is a conservative threshold for human annoyance.

Table 3 Effects of Various Vibration Levels on People and Buildings			
Vibration Level (Peak Particle Velocity)*		**Human Reaction**	**Effect on Buildings**
mm/s	**in/sec**		
0.15-0.30	0.006-0.019	Threshold of perception; possibility of intrusion	Vibrations unlikely to cause damage of any type
2.0	0.08	Vibrations readily perceptible	Recommended upper level of the vibration to which ruins and ancient monuments should be subjected
2.5	0.10	Level at which continuous vibrations begin to annoy people	Virtually no risk of "architectural" damage to normal buildings
5.0	0.20	Vibrations annoying to people in buildings (this agrees with the levels established for people standing on bridges and subjected to relative short periods of vibrations)	Threshold at which there is a risk of "architectural" damage to normal dwelling - houses with plastered walls and ceilings. Special types of finish such as lining of walls, flexible ceiling treatment, etc., would minimize "architectural" damage
10-15	0.4-0.6	Vibrations considered unpleasant by people subjected to continuous vibrations and unacceptable to some people walking on bridges	Vibrations at a greater level than normally expected from traffic, but would cause "architectural" damage and possibly minor structural damage.
Source: Transportation Related Earthborne Vibrations, Caltrans Experiences. Technical Advisory: TAV-02-01-R9601. February 20, 2002.			

The primary vibration-generating activities associated with development of the proposed project would occur during demolition, grading, placement of infrastructure, and construction of foundations. Pile driving would not be necessary during development of the proposed project. The most significant source of ground-borne vibrations during the project construction would occur from the use of vibratory compactors. Vibratory compactors would generate typical vibration levels of 0.210 in/sec at a distance of 25 feet. The nearest sensitive receptor is a residence located directly south from the project site boundary, within 25 feet of the site boundary. Table 4 represents vibration levels for various types of construction equipment. Vibratory compactors and rollers are the only type of construction equipment capable of generating vibrations above 0.210 in/sec at a distance of 25 feet and are not anticipated to be used during construction of the proposed project. Based upon the expertise of Edward L. Pack Associates, Inc., the construction of the proposed project is not anticipated to cause damage to structures at any nearby residences. The proposed project could potentially create vibration levels that would be perceptible to nearby sensitive receptors, however construction activities would be temporary. Therefore, impacts related to the exposure of persons to or generation of

excessive groundborne vibration or groundborne noise levels would be ***less than significant.***

Table 4
Vibration Levels for Varying Construction Equipment

Type of Equipment	Peak Particle Velocity @ 25 feet (inches/second)	Approximate Velocity Level @ 25 feet (VdB)
Large Bulldozer	0.089	87
Loaded Trucks	0.076	86
Small Bulldozer	0.003	58
Auger/drill Rigs	0.089	87
Jackhammer	0.035	79
Vibratory Hammer	0.070	85
Vibratory Compactor/roller	0.210	94

Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment Guidelines, May 2006.

d. During the construction phase of the project, noise from construction activities would add to the noise environment in the immediate project vicinity. Because construction is carried out in several reasonably discrete phases, each phase has a different mix of equipment and, consequently, different noise characteristics. Generally, the site preparation phase requires the use of heavy equipment such as bulldozers, loaders, scrapers, and diesel trucks. Upon completion of the project, the area's sound levels would reduce to the predicted noise exposure levels discussed above.

According to the Noise Assessment Study, construction equipment generates noise levels in the range of 75 to 95 dBA at a distance of 30 feet from the source. Noise from construction equipment dissipates at the rate of 6 dB per doubling of the distance from the source to the receiver. At receptor locations adjacent to the south, construction noise would be in the range of 85 to 101 dBA during construction of the parking lot, which would result in high, but short-term noise conditions. At receptor locations across Keith Way to the east, construction noise would be in the range of 66 to 86 dBA, which would result in moderate noise conditions. Over the course of a typical construction day, the noise exposure is expected to be up to 75 dB DNL at the existing residences adjacent to the south and 61 dB DNL at residences to the east.

Noise abatement during the construction phase at the site could be accomplished through the use of quiet construction equipment that would require improved mufflers. Furthermore, under Chapter 8.28 of the Morgan Hill Municipal Code, construction activities would be prohibited between 8:00 PM and 7:00 AM, Monday through Friday, and between 6:00 PM and 9:00 AM on Saturdays. Construction activities may not occur on Sundays or federal holidays. The Morgan Hill Municipal Code does not specify any short-term noise level limits. Given the limited duration of on-site construction activities, enforcement of time restrictions specified in the Morgan Hill Noise Ordinance would be adequate to ensure that the temporary or periodic increase in ambient noise levels in the

project vicinity associated with construction of the proposed project would not be considered substantial. Therefore, impacts would be considered ***less than significant***.

e,f. The project area is located approximately 3.45 miles southeast of the project site, however, the project site is located well outside of the Airport Influence Area (AIA) identified in the South County Airport comprehensive land use plan. Furthermore, the site is not within the vicinity of a private airport. Therefore, the proposed project would not expose people residing or working in the project area and ***no impact*** would occur.

XIII. POPULATION AND HOUSING. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	☐	☐	✖	☐
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	✖	☐
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	✖	☐

a. As explained previously, residential development within the City of Morgan Hill is controlled by the Residential Development Control System (RDCS). By approving Measure C in 2004 and Measure F in 2006, Morgan Hill voters extended the City's RDCS to 2020. RDCS establishes a population ceiling for the City of 48,000 as of January 1, 2020. The RDCS system was adopted for the purpose of controlling impacts from rapid growth in Morgan Hill. The RDCS generally limits 250 units to be built each year according to a competitive process involving a criteria and point system that address a variety of factors of the proposed project including provision of public services, site planning, and architectural design considerations. Population growth resulting from the proposed 19 units would be part of the 250 new units allowed through the RDCS in a given year. In addition, the proposed residential density for the project is consistent with the current land use and zoning designations for the project site. As a result, the project would have a ***less-than-significant*** impact with respect to inducing population growth in the area.

b,c. The site currently contains a vacant structure and associated parking lot. The structure would be removed as part of the proposed project. Because the structure is vacant, the removal of the structure would not be considered displacement of a substantial number of existing housing units or people. As a result, the project would have a ***less-than-significant*** impact regarding the displacement of substantial numbers of housing or people.

XIV. PUBLIC SERVICES. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Fire protection?	☐	☐	✖	☐
b. Police protection?	☐	☐	✖	☐
c. Schools?	☐	☐	✖	☐
d. Parks?	☐	☐	✖	☐
e. Other Public Facilities?	☐	☐	✖	☐

a-c,e. The City of Morgan Hill contracts with CAL FIRE (State Department of Forestry and Fire Protection) for fire protection services. Three fire stations are located within the City boundaries: El Toro Station, located at 18300 Old Monterey Road; Dunne-Hill Station, located at 2100 Dunne Avenue; and the CAL FIRE station at 15670 Monterey Street. The nearest fire station to the project site is the CAL FIRE station, located approximately 0.51-mile to the southeast. Accordingly, the response time from this facility to provide fire protection services would be anticipated to be within the City's preferred response time of five minutes or less.

The Morgan Hill Police Department provides police protection services to incorporated areas in the project vicinity. The project site is located within the Department's normal patrol routes due to other nearby residential and commercial development located within the City.

The Morgan Hill Unified School District (MHUSD) operates public education facilities that serve the project site and surrounding area. The City of Morgan Hill is served by eight elementary schools, two middle schools, two high schools, one continuation school, one K-8 home school program, and one community adult school. Utilizing the MHUSD student generation rate of 0.475 students per household, the project is only anticipated to add approximately nine new students to the District's schools.

The project would incrementally increase demand for fire and police protection services, and generate new students at local schools. Both the City of Morgan Hill and MHUSD collect development impact fees to help pay for fire and police protection capital improvements and finance additional school facilities, respectively. In general, payment of these fees is considered adequate to mitigate the project's impact on these services to a less-than-significant level.[8] In addition, the City's Residential Development Control System provides more direct assurance that any new residential development, including

[8] For example, State Law (Government Code Section 65996) specifies an acceptable method of offsetting a project's effect on the adequacy of school facilities is payment of a school impact fee prior to issuance of a building permit.

future residential development on the project site, would not cause significant adverse impacts on these and other public services and facilities, including park facilities. Development allotments are awarded based on the number of points scored for all development proposals for each year and the point scale takes into account the impact of the proposed development on the following public services: schools, fire and police protection, and other municipal services. Therefore, development allotments are not awarded to any development proposals until adequate services are available. The project would have a ***less-than-significant*** impact with respect to creating adverse physical environmental impacts associated with the provision of new or physically altered governmental facilities in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services.

d. The proposed project would generate 58 additional residents (based on 3.08 persons per household) in the City of Morgan Hill.[9] The City of Morgan Hill has adopted a parkland dedication/parkland in-lieu fee ordinance (Municipal Code Chapter 17.28) that requires parkland dedication or in-lieu fees for residential developments. This ordinance requires residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. The acreage of parkland or amount of the in-lieu fee required is based upon criteria outlined in Chapter 17.28 of the City's Municipal Code. The proposed project is required to comply with the City's parkland dedication or in-lieu fees for residential developments, which will ensure that the project has a ***less-than-significant*** impact on parks.

[9] According to the persons per household demographic projection for Morgan Hill for the year 2015 (see Table 1-1 of City of Morgan Hill Housing Element, adopted February 18, 2015.

XV. RECREATION. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	✖	☐
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	✖	☐

a,b. The proposed project would generate 58 additional residents (based on 3.08 persons per household) in the City of Morgan Hill.[10] Given the City's parkland goal of five acres per 1,000 residents, the future residential development on-site would create the need for a minor amount of additional parkland (0.29 acres). As explained previously, the City of Morgan Hill has adopted a parkland dedication/parkland in-lieu fee ordinance (Municipal Code Chapter 17.28) that requires parkland dedication or in-lieu fees for residential developments. This ordinance requires residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. The acreage of parkland or amount of the in-lieu fee required is based upon criteria outlined in Chapter 17.28 of the City's Municipal Code. The project is not proposing to construct or dedicate any land for recreational facilities; therefore, the applicant will pay in-lieu fees for residential developments, which will ensure that the project has a ***less-than-significant*** impact on recreation facilities.

[10] According to the persons per household demographic projection for Morgan Hill for the year 2015 (see Table 1-1 of City of Morgan Hill Housing Element, adopted February 18, 2015.

XVI. TRANSPORTATION/CIRCULATION. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	✖	☐
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	✖	☐
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	✖
d. Substantially increase hazards due to a design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	✖	☐
e. Result in inadequate emergency access?	☐	☐	✖	☐
f. Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	✖	☐

a,b. According to the City of Morgan Hill Guidelines for Preparation of Transportation Impact Reports, a transportation impact analysis is required for projects that add between 50 and 99 net new peak hour trips to the roadway system where nearby intersections are operating at LOS D or worse, or projected to operate at LOS D or worse with traffic added by approved developments, or when a project generates 100 or more net new peak hour trips (consistent with the Valley Transportation Authority [VTA] policy).

According to the Institute of Transportation Engineers (ITE) Manual, 9th Edition, trip rates for a low-rise apartment of 6.59 weekday trips per dwelling unit (du), 0.3 AM peak hour trips per du, and 0.39 PM peak hour trips per du, the residential portion of the proposed project would be anticipated to result in a total of 125 weekday trips, nine AM peak hour trips, and 11 PM peak hour trips. The commercial portion of the proposed project (using the ITE trip rate for a General Office Building, which are 11.03 weekday trips per ksf, 1.56 AM peak hour trips per ksf, and 1.49 PM peak hour trips per ksf) would be anticipated to result in a total of 11 weekday trips, two AM peak hour trips, and one PM peak hour trips. Overall, the proposed project would result in approximately 136 average daily trips, 11 AM peak hour trips, and 12 PM peak hour trips.

Because the proposed project would generate approximate 23 net new peak hour trips, a traffic study to evaluate future project traffic impacts is not necessary for the proposed project.

According to the Noise Assessment Study prepared for the proposed project, Monterey Road currently carries an average daily traffic volume of 23,119 vehicles. In addition, according to the Noise Assessment Study, the City's General Plan indicates that future (2030) traffic volumes along Monterey Road in the vicinity of the proposed project site are predicted to increase in volume from 23,119 vehicles to 24,000 vehicles. Furthermore, the major nearby intersection of Monterey Road and Tennant Avenue is projected to operate at an LOS D or better upon buildout of the City's General Plan, which meets the City's threshold for this intersection of LOS E.[11] The proposed project is considered consistent with the existing land use and zoning designation for the site and, thus, with what has been anticipated for buildout of the site per the General Plan.

Monterey Road is considered a four-lane divided arterial. The project site is located on a stretch of Monterey Road that has not recorded the average daily traffic volumes. However, nearby average daily traffic volumes for Monterey Road show that an average daily traffic volume of 21,900 vehicles are currently accommodated from Monterey between San Pedro Avenue and Cosmo Lane, north of the site, and 23,430 vehicles are currently being accommodated from Monterey Road between Vineyard Boulevard and Watsonville Road, south of the project site. The vehicles are being accommodated while still operating at a level of service (LOS) D, which is considered the LOS threshold for planning purposes.[12] The proposed project's addition of 136 average daily trips and 23 peak hour trips to the nearby transportation and circulation network would not substantially increase the average daily traffic volume on Monterey Road and would not be expected to cause any nearby intersection to degrade to an unacceptable LOS.

Due to the low number of project-generated trips, the project would not generate an increase in traffic that would substantially degrade the existing traffic conditions nor would the project exceed a level of service standard. Therefore, the project would result in a ***less-than-significant*** traffic impact.

c. The project area is located approximately 3.45 miles southeast of the project site, however, the project site is located well outside of the Airport Influence Area (AIA) identified in the South County Airport comprehensive land use plan. As such, the proposed project would not require any changes to existing regional air traffic activity or result in an increase in traffic levels or change in a location that results in substantial safety risks. Therefore, ***no impact*** would occur.

d,e. Construction of new or alteration of existing roadways or intersections are not included in the project. Therefore, the proposed project would not increase hazards due to a design feature, such as a sharp curve or dangerous intersection, or incompatible uses. Thus, the proposed project would have a ***less-than-significant*** impact related to emergency access and hazardous design features.

[11] Fehr & Peers Transportation Consultants. *South-East Quadrant General Plan Amendment –Transportation Impact Analysis* [pg. 9]. December 2013.
[12] Fehr & Peers Transportation Consultants. *City of Morgan Hill General Plan Circulation Element Network and Policy Revisions Transportation Impact Analysis* [pg. 18]. July 29, 2009.

f. The project includes a number of features which promote the use of alternatives modes of transportation. The proposed project would include 20 bicycle parking spaces for tenants and would give tenants without a vehicle, priority to the bike parking spaces available. Additional bicycle locking racks would be provided for short-term parking for tenants and guests. In addition, the project would include a transportation management plan, where management would provide tenants with information pertaining to Morgan Hill's VTA Clipper Card program, the VTA transit map, Caltrain information, as well as ride sharing options. Management would also assist tenants with obtaining passes on an as needed basis. Bus routes located just outside of a mile-radius from the project site include, *Routes 16, 68, 128,* and *168.* Bus routes 128 and 168 also include transit connections to the Caltrain station located just over a mile north of the site.

In addition to the available bicycle and bus transportation options, the project would include the construction of curb, gutter, and sidewalks along the Monterey Road and Keith Way frontages. Therefore, the project would help to establish connectivity to the surrounding sidewalk system. Given the proposed project's inclusion on bicycle parking, assistance with bus transportation, and existing transportation facilities near the project site, impacts related to alternative transportation would be ***less than significant***.

XVII. UTILITIES AND SERVICE SYSTEMS. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	✖	☐
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	✖	☐
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	✖	☐
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	✖	☐
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	✖	☐
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	✖	☐
g. Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	✖	☐

a-d. As previously mentioned, RDCS establishes a population ceiling for the City of 48,000 as of January 1, 2020. The RDCS system was adopted for the purpose of controlling impacts from rapid growth in Morgan Hill. The RDCS generally limits 250 units to be built each year according to a competitive process involving a criteria and point system that address a variety of factors of the proposed project including provision of public services, site planning, and architectural design considerations. Population growth resulting from the proposed 19 units would be part of the 250 new units allowed through the RDCS in a given year. The point system accounts for the project's impacts to the water supply system, sanitary sewer and treatment plant, drainage and runoff, and other municipal services.[13] Brief discussions of the wastewater and water systems that will serve the project are included below.

Wastewater

The City of Morgan Hill sewer collection system consists of approximately 135 miles of 6-inch through 30-inch diameter sewers, and includes 15 sewage lift stations and

[13] City of Morgan Hill. *Morgan Hill General Plan.* [pg.29]. Updated through September 2015.

associated force mains. The "backbone" of the system consists of the trunk sewers, generally 12-inches in diameter and larger, that convey the collected wastewater flows through an outfall that continues south to the Wastewater Treatment Facility (WWTF) in Gilroy. The WWTF is jointly owned by the cities of Gilroy and Morgan Hill. The City's existing sewer collection system meets the needs of existing customers. The City has planned and constructed sewer facilities in conjunction with new street construction in anticipation of future growth and sewage needs.

The South County Regional Wastewater Authority (SCRWA) Wastewater Treatment Plant provides service to the cities of Morgan Hill and Gilroy. The treatment plant has capacity to treat an average dry weather flow (ADWF) of 8.5 million gallons per day (mgd) and is currently permitted by the RWQCB, Central Coast Region to treat up to 8.5 mgd. Both the cities of Gilroy and Morgan Hill have growth control systems in place which limit unexpected increases in sewage generation. The ADWF for combined flows from Morgan Hill and Gilroy were approximately 6.8 mgd in 2010. Based on combined population projections for both cities, the current capacity of 8.5 mgd will be reached in approximately 2019, with expansion needed in 2020.[14]

Water

The City of Morgan Hill provides potable water service to 12,900 residential, commercial, industrial, and institutional customers within the City limits. The City's water system facilities include 17 groundwater wells, nine pumping stations, 165 miles of water main, and 10 reservoirs.[15] In order to understand the needs of existing customers, the City's water distribution system requires 24-hour monitoring and an extensive program of ongoing maintenance. Furthermore, a five-year program of capital improvements is constantly updated to plan and fund new capacity for future population growth and water needs.

Storm water

Per the implementation of the SWMP and other drainage standards implemented by the City, the project should not significantly increase storm water flows into the existing system. The proposed project would include the construction of new storm drainage facilities on-site as well as off-site. The final design of the proposed drainage system would be reviewed and approved by the City of Morgan Hill Public Works Department, who will ensure that the proposed system complies with the City's Post Construction Stormwater Pollution Prevention Ordinance with respect to incorporating sufficient permanent stormwater treatment control BMPs.

[14] South County Regional Wastewater Authority. *Biennial Budget Transmittal – FY 14 & FY 15*. April 3, 2013.
[15] City of Morgan Hill. *2014 Report to Consumers on Water Quality, Consumer Confidence Report.* 2014.

Conclusion

The proposed project's would connect to the City's existing connections for wastewater, water, and storm drainage infrastructure to serve the site. Although the proposed project is a mixed-use development that includes residential and commercial uses, the increase in wastewater generation, water usage, and storm water production, would not be considered substantial. Furthermore, the approval of the 19 residential units at the project site through the RDCS process ensures consistency with the growth rate in the City's General Plan and the project would not exceed the City's planned wastewater treatment or water demand projections, as well as storm water capacity. As a result, the project would have ***less-than-significant*** impacts to water, wastewater, and storm drainage facilities.

f,g. Recology South Valley provides solid waste and recycling services to the businesses and residents of the cities of Morgan Hill and Gilroy. Recology South Valley has contracted through 2017 with the Salinas Valley Solid Waste Authority to dispose of municipal solid waste at Johnson Canyon Sanitary Landfill. The average annual solid waste disposed at the Johnson Canyon Sanitary Landfill is between 100,000 and 250,000 tons per year (approximately 173,971 tons in 2014),16 and the average annual capacity for the landfill is between 500,000 and 750,000 tons per year.[17] Therefore, sufficient permitted capacity exists at the Johnson Canyon Sanitary Landfill to accommodate the proposed project's incremental increase in solid waste disposal needs.

The proposed project would involve the generation of typical household solid waste and would not require specialized solid waste disposal needs. The proposed project would include enclosed outdoor trash dumpsters, which would be picked up regularly during normal solid waste collection operating hours within the City. As such, the proposed project would be considered to comply with applicable federal, State, and local statutes and regulations related to solid waste.

Overall, the proposed project would have a ***less-than-significant*** impact related to solid waste.

[16] Salinas Valley Solid Waste Authority. *Annual Report 2014-15*. 2015. Available at: http://svswa.org/wp-content/uploads/2014-2015-Annual-Report-Final4.pdf. Accessed November 2015.
[17] California Department of Resources Recycling and Recovery (CalRecycle). *Facility Information Toolbox (FacIT), Facility Operations: Johnson Canyon Sanitary Landfill*. Available at: http://www.calrecycle.ca.gov/FacIT/Facility/Operations.aspx?FacilityID=18565. Accessed November 2015.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	✖	☐
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	✖	☐
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	✖	☐

a. As mentioned previously, the project site is subject to Fee Zone C, the Burrowing Owl Fee Zone, and tree protection measures which would cover the loss of potential biological resources within the project site, and does not contain known historical or cultural resources. Although unlikely, the possibility exists that subsurface excavation of the site during grading and other construction activities could unearth deposits of cultural significance. However, this IS/MND explains how the City's Municipal Code requires standard measures for development projects that would ensure any impacts to archaeological resources would be less than significant. Therefore, the proposed project would have ***less-than-significant*** impacts to the reduction of habitat of a fish or wildlife species, plant or animal community and important examples of California history or prehistory and the overall quality of the environment.

b. The 0.996-acre project site would include the development of 19 affordable multi-family residential units and a 1,000 sf office / commercial space, which would not cause environmental impacts that would be cumulatively considerable when evaluated in conjunction with other current or probable projects. In November 2004, the Measure C initiative was approved by voters, which extended the City's Residential Development Control System until 2020. Measure C caps the population at 48,000 for the year 2020, and requires development allotments for all residential development. Because the proposed project has been allotted 19 units, the project's contribution to cumulative growth effects on the City would be less than cumulatively considerable. As such, the population increase as a result of the development allotments are obtained for the project site have already been anticipated. These allotments ensure that growth induced by the project is within the City's planned growth level, and therefore, public services and

utilities are planned accordingly. Therefore, a ***less-than-significant*** impact would result from the development of the proposed project.

c. The proposed project site would be developed in a generally urbanized and built-up area of the City of Morgan Hill. Development of the proposed project would not be expected to result in adverse impacts to human beings, either directly or indirectly. The potential for environmental effects on human beings is addressed within this initial study and all impacts have been identified as less-than-significant or less than significant with the incorporation of mitigation measures. In addition, the amount and type of development proposed for the project is consistent with the *Morgan Hill General Plan* assumptions for the project site. New unmitigated impacts to human beings would not occur. As such a ***less-than-significant*** impact would result.